

City of Mt. Rainier - Celina Benitez_FAV_SB901

Uploaded by: Benitez, Celina

Position: FAV

The Great City of Mount Rainier
Office of Councilmember Celina Benitez
February 26, 202



Senator Will Smith, Chair
Judicial Proceedings Committee
Miller Senate Office Building
Annapolis, Maryland 21401

RE: Testimony in Support of Senate Bill 901 (“SB 901”) – State and Local Government - Participation in Federal Immigration Enforcement

Dear Chairman and Members of the Judicial Proceedings Committee:

My name is Celina Benitez, Councilmember for the Great City of Mount Rainier. A city that is enriched by its cultural diversity and A Hub for the Arts. A city that is empowered by its diversity and Proud to make all of our residents feel welcome and part of our community.

It is our responsibility to create and strengthen the relationship between the community and elected officials. However, it’s difficult to advance those goals, when a significant population in my community is scared to engage the police. The ability to pass SB901 will send a strong message, it would declare that Maryland will NOT support the targeting of immigrants, Muslims, and others and that we embraced and stand up for all of Maryland residents and their rights.

The national discussion on immigration has real implications at the local level that only exacerbates existing local challenges that will affect us even our ability to have an accurate count in the 2020 Census. In the last two census millions of dollars were not allocated to Maryland and we cannot afford to once again be denied our fair share of our funds to build programs in the short and long term. To build trust with our communities start here and has to start now.

As a way to counter the fear within our immigrant community, The City of Mount Rainier adopted a welcoming community ordinance that includes many of the critical provisions in SB 901. Some of those critical provisions are codifying that local law-enforcement does not engage in civil immigration enforcement, law-enforcement officers are not interested in your immigration status, and clearly states that immigration enforcement is solely a federal responsibility. This has created an increase in Civic collaboration in Mount Rainier. Equally important, our local ordinance sent a strong message to our immigrant community that our police department is focused on ensuring public safety for all residents, regardless immigration status or any other status. Our Officers are here to serve and protect and that is how you build a successful community Policing.

Lastly, SB 901 will not prohibit police from fulfilling our duties, in the contrary SB 901 will be a tool in our community policing toolbox. I respectfully urge a favorable report on SB 901.

Sincerely,

Celina Benitez

Celina Benitez, Councilmember City of Mount Rainier, Maryland
City of Mount Rainier 1 Municipal Place, Mount Rainier, MD 20712 | CBenitez@MountRainierMD.org

ACY_Fav_SB901

Uploaded by: Bevan Dangel, Jennifer

Position: FAV



To: Committee Chair, Judicial Proceedings Committee
From: Ashley Devaughn, Youth Justice Policy Director
Re: SB 901, State and Local Government – Participation in Federal Immigration Enforcement
Date: February 26, 2020
Position: Support

Thank you for the opportunity to provide testimony on TRUST ACT – SB 901 State and Local Government – Participation in Federal Immigration Enforcement. Advocates for Children and Youth (ACY) SUPPORTS this bill.

There is widespread anxiety among immigrant communities about Immigrant and Customs Enforcement (ICE) actions. Immigration enforcement—and the threat of such actions—can negatively impact a child's long-term health and development. Children who reside in communities that partner with ICE experience negative educational outcomes and the detention of a child or deportation of a parent puts children at risk of emotional and economic instability. Immigration enforcement and deportation of parents and other family members has serious consequences and extends to entire communities and the country as a whole.

2019 national data notes 69,550 migrant children were held in U.S. government custody over the past year, more children detained away from their parents than any other country, according to United Nations researchers. Being held in detention can be traumatic for children, putting them at risk of long-term physical and emotional damage. The study Mental Health of Children Held at a United States Immigration Detention Center by Sarah MacLean found that the physical and mental health toll that immigrant children experience during and after detention result in post-traumatic stress disorder, depression, anxiety, weight loss, and sleep problems. The American Academy of Pediatrics report named Detention of Immigrant Children states that “There is no evidence indicating that any time in detention is safe for children” The position of the AAP is that children in the custody of their parents should never be detained, nor should they be separated from a parent, unless a competent family court makes that determination. The report goes on to indicate “Children deserve protection from additional traumatization in the United States and the identification and treatment of trauma that may have occurred in children's country of origin, during migration, or during immigration processing or detention in the United States.”. The conditions in which children are detained and the support services that are available to them are of great concern to pediatricians and other advocates for children.

A child's risk of having significant physical, emotional, developmental, and mental health problems like depression, anxiety, and severe psychological distress increases following detention. Doctors and service providers have reported anecdotally that they have seen more children exhibiting stress- and anxiety-related behavioral changes, including symptoms of “toxic-stress,” due to fear that a family member will be deported. Children experience toxic stress when they are suddenly separated from their parents, which negatively impacts brain development. They are also at greater risk of developing chronic mental health conditions that include depression and post-traumatic stress disorder (PTSD), as well as physical conditions such as cancer, stroke, diabetes, and heart disease.

Further, Facing Our Future Children in the Aftermath of Immigration Enforcement a 2010 study of immigration-related parental arrests found that the majority of children experienced at least four adverse behavioral changes in the six months following a raid or arrest. Compared to the previous

six months, children cried or were afraid more often; changed their eating or sleeping habits; and/or were more anxious, withdrawn, clingy, angry, or aggressive.

There is growing evidence that immigrants and children who are undocumented are worried that school attendance could lead to detention and deportation. This has led to increases in student absences and declines in parent participation in school events. NEPC Fellow and UCLA Professor Patricia Gándara and her co-author Jongyeon Ee conducted a survey of more than 700 Title I schools serving high percentages of low-income students in 12 states with large shares of English language learners. The majority of survey respondents also noticed increases in absenteeism that they attributed to concerns about immigration enforcement. More than 80 percent of the 3,500 educators who responded to a 2018 survey said they had students who were worried about immigration enforcement.

The experience of detention, even for a relatively brief period of time, has a detrimental effect on the mental and physical health of children. Immigration enforcement actions—and the ever-present threat of enforcement action—has traumatized for millions of children across the country.

We urge this committee to issue a favorable report on SB 901.

1 North Charles Street Suite 2400 | Baltimore, MD 21201 | www.acy.org | 410-547-9200 |

Advocates for Children and Youth builds a strong Maryland by advancing policies and programs to ensure children of every race, ethnicity, and place of birth achieve their full potential.

ACY_Fav_SB901

Uploaded by: Bevan Dangel, Jennifer

Position: FAV



To: Committee Chair, Judicial Proceedings Committee
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Re: SB 901, State and Local Government – Participation in Federal Immigration Enforcement
Date: February 26, 2020
Position: Support

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Advocates for Children and Youth builds a strong Maryland by advancing policies and programs to ensure children of every race, ethnicity, and place of birth achieve their full potential.

BaltimoreCounty_FAV_SB0903

Uploaded by: Byrne, Julia

Position: FAV



JOHN A. OLSZEWSKI, JR.
County Executive

CHARLES R. CONNER III, ESQ.
Chief Legislative Officer

KIMBERLY S. ROUTSON
Deputy Legislative Officer

JOEL N. BELLER
Assistant Legislative Officer

BILL NO.: **SB 903**

TITLE: Immigration Enforcement – Public Schools, Hospitals, and
Courthouses - Policies

SPONSOR: Senator Smith

COMMITTEE: Judicial Proceedings

POSITION: **SUPPORT**

DATE: February 26, 2020

Baltimore County **SUPPORTS** Senate Bill 903– Immigration Enforcement – Public Schools, Hospitals, and Courthouses – Policies. This bill authorizes public schools, hospitals, and courthouses to establish and publish policies that limit immigration enforcement on their respective premises to the fullest extent possible consistent with federal and State law based on guidelines developed by the Attorney General.

Baltimore County’s diversity is one its greatest strengths. Immigrants contribute tremendously to the County’s economy and culture. Additionally, despite fearmongering allegations to the contrary, foreign-born residents pay taxes and statistically commit less crime than native-born residents.

It has become disturbingly clear that recent activities taken by immigration enforcement officials has endangered not just dangerous criminals, but families trying to live their lives. Parents who wish to send their children in Baltimore County Public Schools are forced to choose between their children’s security and education. Passing SB 903 will ensure that immigrant families in Baltimore County feel safe enrolling and sending their children to school every day.

Accordingly, Baltimore County requests a **FAVORABLE** report on SB 903. For more information, please contact Chuck Conner, Chief Legislative Officer, at 443-900-6582.

CAN - Karen Champion_FAV_SB901

Uploaded by: Champion, Karen

Position: FAV

Testimony in support of SB901 - 2020

State and Local Government - Participation in Federal Immigration Enforcement

To: Hon. William Smith, Chair, and members of the Senate Judicial Proceedings Committee

From: Karen Campion

Date: February 26, 2020

I am writing in **support of Senate Bill 901**, State and Local Government - Participation in Federal Immigration Enforcement, with amendment.

My job, as a social worker in a Montgomery County public school, is to strengthen the resilience and wellbeing of our youngest Marylanders. Through research on parent-child attachment, we know that children who can rely on their parents' presence grow up feeling secure – to explore the world, develop their interests and skills, and live lovingly with others. One of the biggest threats to the students I work with is the fear that their parents will be torn away from them without a moment's notice. I have sat with mothers who fear to speak about the abuse they have been subjected to by violent domestic partners, who do not feel comfortable bringing official attention to unscrupulous practices by landlords and business partners, and who have been intimidated and treated rudely by police officers, even during routine traffic stops. Just walking into my office to ask for help requires a huge leap of faith. My students' safety, their parents' safety, my safety, and our entire community's safety are enhanced when the legal system designed to deliver justice covers all of us. When it is weaponized to terrorize a scapegoated minority, we all suffer the consequences.

SB901 would prohibit police from inquiring about immigration status during stops. A clear policy like this will increase trust in Maryland's immigrant community, leading to better reporting of crime and making us all safer. Our local and state police have enough to do keeping Maryland safe without adding enforcement of federal immigration law.

Studies have repeatedly shown that immigrants, including undocumented immigrants, commit less crime than native born citizens. Studies have also shown that jurisdictions with policies and laws like SB901 have lower crime rates than those without.

SB901 would furthermore prohibit corrections officers from detaining people beyond their release date, unless presented with a valid judicial warrant. Imagine how a citizen would react if not released when scheduled, even when they are not accused of any crime. Yet some local corrections agencies in Maryland can and do hold people on only the request of Immigration and Customs Enforcement, with no evidence of a crime and no judicial oversight.

When not detaining, some local correctional officers will notify federal immigration authorities of the release date and time of individuals in their custody, allowing federal agents into non-public areas to ease taking individuals ordered released by local and state authorities into federal custody.

These practices treat immigrants with less due process than citizens. It puts our corrections agencies at risk of violating individuals' fourth amendment rights. As the Maryland Attorney General's *Local Enforcement of Federal Immigration Law: Legal Guidance for Maryland State and Local Law Enforcement Officials* states: "the government bears the burden of proving that the detention of someone beyond the person's State-law release date does not violate the Fourth Amendment and its Maryland counterpart."

This bill would not put Maryland at risk of retribution from the federal government in the form of reduced or retracted funding, or other clearly retributive actions. Legal precedent clearly prohibits the federal government from such actions. Jurisdictions such as California, Chicago and Philadelphia, have all won rulings in federal court preventing the federal government from doing so.

I further believe that one amendment to the proposed bill - Section 5-103(E)(2) should be deleted. This section exempts those ever convicted of a crime of violence from the protections against notification of federal immigration authorities and providing access to those authorities for the purpose of taking the individual into federal custody. The motivation for this clause, public safety, is laudable. However, those convicted of even a serious crime, perhaps decades ago, who have served their sentence in full, are not in any sense inherently more of a threat to public safety than any other resident of Maryland. Further, this clause implies that one who has committed a serious crime is incapable of redemption. I cannot accept this.

I strongly urge you to reach a favorable report for SB901, amended as I request just above. It will increase the trust that all Maryland residents hold for the police, making us all safer. It will align Maryland law with our Attorney General's guidelines. It is the right and moral thing to do.

Respectfully yours,
Karen Campion
2417 Dexter Ave
Silver Spring, MD 20902

Ditz_FAV_SB901

Uploaded by: Ditz, Toby

Position: FAV

February 26, 2020

Toby Ditz
1416 Bolton St, Baltimore, MD 21217
toby.ditz@jhu.edu / 410-669-0085

TESTIMONY IN SUPPORT OF SB901

State and Local Government- Participation in Federal Immigration Enforcement

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Toby Ditz

My name is Toby Ditz, and I live in Baltimore in District 40. This testimony is in support of SB901.

I am deeply invested in this legislation partly because I am Jewish. My grandmother, Helen, emigrated in the company of her mother and younger sister in 1919 from Russia, which was then torn by civil war; they fled across the closing Polish border to Amsterdam and then entered the US through Ellis Island. Had they tried to come here only ten years later, after US immigration policy choked off the flow of immigrants from Eastern Europe (and elsewhere around the world), I doubt I would be here today. I am profoundly grateful they made it and want to make new immigrants welcome.

Because we are not starting from scratch, I listened to hearing testimony from last year in order to better understand the objections that have stymied Trust Act legislation in the past. Like its predecessors, SB901 says that police may not detain, transfer, or even supply information to ICE (or other federal authorities) about an individual who has been charged only with civil violations of federal immigration law, such as overstaying a visa or re-entering the country illegally. (SB901, 2-109, C1-4). Opponents have cited instances of individuals picked up by local police on minor charges, like a DUI, released, and then later discovered to be MS-13 gang members; last year at least two legislators even raised the hypothetical — and inflammatory — case of a future Mohamed Atta who gets away. But this bill does not prevent local law enforcement agents from cooperating with federal authorities - if a judicial warrant is presented, they may cooperate.

At bottom, it comes down to this. For every “potential” bad actor we might catch and deport by cooperating in the unrestrained enforcement of civil violations of federal law, we profoundly disrupt the lives of a hundred others. Take Nora and her family. Last January, Nora’s car broke down as she was driving to work from her home in Southwest Baltimore, where she lived with her two children. The Maryland Transportation Authority police officer on the scene detained her solely on the basis of an ICE-issued administrative warrant. Although Nora had no criminal record, she was held in the Worcester Detention Center for over three months, at risk for

deportation to El Salvador ([Baltimore Sun March 6, 2019](#)). SB90I would protect Nora and others like her.

In Baltimore, Nora's case, coupled with the turmoil created last summer by the Trump administration's threat of mass urban ICE raids and the shocking mass roundup of hundreds of workers in the Mississippi poultry plants, galvanized change. Baltimore City Police Commissioner Harrison announced his new, detailed policy of non-cooperation for the Baltimore police on July 2 (for civil violations of federal immigration laws), with the support of Mayor Young, who followed up a month later with an executive order applicable to other City agencies. ([Baltimore Fishbowl, August 7](#)) Why did they do it? By then, they knew that the cost of cooperation was too high, not just for our immigrant neighbors, but for all of us.

When enacted, SB90I will accomplish for law enforcement in all of Maryland what local law and policy already do in Baltimore City and several Maryland counties. It will protect otherwise law-abiding undocumented immigrants and their loved ones from the trauma of family separation; it will reduce the deep in the bone fear of deportation that prevents our neighbors who are witnesses or victims of crime from cooperating with the police; it will free law enforcement resources to focus on effective local crime reduction strategies; and it will reduce disruptions to our economy.

So, let's not be afraid to oppose federal overreach and the destabilizing tactics of fear. To enhance the prosperity and safety of all Marylanders, **I respectfully urge a favorable report on SB90I.**

Jeffrey Harrison_FAV_SB901

Uploaded by: Harrison, Jeff

Position: FAV

Jeffrey A. Harrison

Date: February 26, 2020

Position: **Support**

Contact: Senator Smith

Bill Number: **SB 901**

Senate Committee: Judicial Proceedings

Bill Title: State and Local Government - Participation in Federal Immigration Enforcement

Dear Committee Chair Smith, Committee Vice-Chair Waldstreicher, and Committee Members:

-I support SB 901. This legislation **clarifies law-enforcement responsibilities and focuses state and local resources and tax money on state and local law enforcement.** The federal government enforces federal civil immigration law. Local law-enforcement agencies need to focus on enforcing Maryland criminal law, investigating local crimes, and preventing local crimes.

-SB 901 does not hinder criminal law enforcement. The legislation complies with federal laws.

-SB 901 provide clear rules for all Maryland residents regarding how law-enforcement officers will treat everyone in Maryland during traffic stops and other serious one-to-one interactions.

-The bill's clear provisions will **decrease the legal liability** that state, county, and local law-enforcement agencies currently face when untrained officers mistakenly try to enforce federal civil immigration law.

-The legislation prohibits immigration profiling and decreases the likelihood that law-enforcement officers will threaten, harass, or coerce Maryland residents because of immigration status. The bill's provisions discourage the bad practices of those local law-enforcement officers who currently threaten and intimidate Maryland residents who are not committing any crime. These threatened residents include victims of crime, witnesses to crime, and their neighbors and family members. Less fear will lead to better cooperation between residents and police. **This legislation will make Maryland's neighborhoods safer.**

-The bill's provisions reduce the chance that local law-enforcement officers in Maryland will be involved in the grievous mistakes and abuses by federal Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP). In the past few years, ICE and CBP have mistakenly detained several hundred United States citizens! In addition, individual detainer records in the NCIC database and other law-enforcement data sources may be incorrect because of mistaken identity and data carelessness. Also, handing individuals over to ICE and CBP leads to detention of women, men, and children in substandard and inhumane living conditions with frequent reported abuses. More than 30 people have died in ICE or CBP custody in the past three years. In addition, the USA in recent years has denied asylum to or deported hundreds of individuals who then were murdered after removal to another country. **SB 901 will reduce the number of incidents in which Maryland is a cooperating party in deaths, mistakes, and abuses from the actions and policies of the federal government, ICE, and CBP.**

For those reasons, please vote Yes for SB 901 and send a **Favorable** report from the committee. Thank you.

Jeffrey A. Harrison
6835 Damsel Ct, Greenbelt MD 20770

CASA - Nicholas Katz_FAV_SB901

Uploaded by: Katz, Nick

Position: FAV

Senate Judicial Proceedings Committee

SUPPORT SB901 – State and Local Government – Participation in Federal Immigration Enforcement

Testimony of Nicholas Katz, CASA de Maryland

February 26, 2020

Good Afternoon Mr. Chairman and members of the Committee:

My name is Nicholas Katz and I am the Senior Manager of Legal Services for CASA de Maryland (“CASA”). CASA is the largest membership-based immigrant rights organization in the mid-Atlantic region, with more than 90,000 members in Maryland. Thank you for this opportunity to testify today in support of SB901.

Fundamentally, SB901 simply takes immigration and citizenship status out of the equation when you are interacting with state and local government. Its strong prohibition on inquiring about such status, together with its mandate that such inquiries do not factor into decisions about access to State resources, unless required by law, and its explicit rejection of Maryland’s participation in any discriminatory registry, together form a powerful barrier between the State and an out-of-control federal immigration enforcement regime.

Importantly, this bill does nothing to impact the ability of Maryland to prosecute immigrants who have committed crimes. Rather, it simply takes immigration status out of the equation, putting everyone, regardless of immigration status, on an equal playing field. Immigrants who commit crimes will still be detained and prosecuted for the offenses, and face the same criminal penalties as anyone else. But they will not have to fear that Maryland will facilitate their transfer to immigration agents, placing them into a broken and dangerous *civil* system, over which Maryland has no control, that perversely has far greater consequences for their families than the criminal justice system.

This bill also does nothing to inhibit state and local law enforcement from collaborating with immigration enforcement agents on criminal matters. Investigations into things like human trafficking or drug trafficking are unrelated to the civil immigration enforcement system and as such are not governed by this legislation. The goal of SB901 is not to protect criminals. In fact, it is exactly the opposite. It is designed to encourage immigrants to feel safe accessing the criminal justice system, to report crimes without fear of retaliation based on their immigration status, to not turn the other way when they see a cop patrolling their street or a squad car driving down the road. Studies have shown

that jurisdictions that enact policies to separate themselves from the civil immigration enforcement system are safer and more prosperous.¹

CASA's strong support for SB901 stems from the experiences of our members, several of whom are bravely sharing their stories in support of this crucial piece of legislation. Each year thousands of community members come through CASA's doors, seeking assistance with legal issues, access to benefits, and for many other services. Over the last two years, the desperate need for these services has only risen, as the federal government has taken punitive – and often illegal – actions against the immigrant community. With continued hateful rhetoric coming from the highest levels of our government, immigrants in Maryland have become increasingly skeptical of engaging with government at any level. Stories like you'll hear from some of our members today, where State police unlawfully detained a man for helping his family trim a tree, or where a victim in a car accident suddenly faces permanent separation from her family, only exacerbate these feelings of unease.

That is why several of Maryland's largest localities, including Montgomery County, Prince George's County, Baltimore County, Baltimore City and a host of localities, including the city of Annapolis where we now sit, have taken bold action to protect their most vulnerable community members. But those actions are not enough. Only you can put in place the comprehensive protections necessary to ensure that Maryland is no longer complicit in the operation of a federal deportation machine that is out of control and ripping our communities apart.

SB901 is a huge, positive step in that direction. By generally prohibiting State employees, including law enforcement agents, from inquiring about an individual's citizenship or immigration status, this bill sends a powerful message to immigrant Marylanders that we value them as full members of our community. As you are no doubt aware, nearly one million Marylanders are foreign born, representing more than 15% of our state's population. Immigrant residents of Maryland help drive our state's economy, as we are home to more than 176,000 immigrant businesses and 67,000 immigrant entrepreneurs.² Maryland's immigrants pay more than \$12 billion in taxes each year.³

Almost all of CASA's more than 100,000 members have ties to another country, and many live in mixed status families, where some members have lawful immigration status in the United States and others may not. As we seek to protect our members, and their communities, from the rogue and often unlawful immigration policies of the current

¹Wong, Tom K., *The Effects of Sanctuary Policies on Crime and the Economy*, Center for American Progress, January 26, 2017, available at: <https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy/>

²Baltimore Sun Editorial Board, *Maryland's Economy Depends on Immigrants*, October 10, 2019, available at: <https://www.baltimoresun.com/opinion/editorial/bs-ed-1013-immigrants-maryland-20191010-s66dcyzrb5ec5fxbnsmkkaif3a-story.html>

³New American Economy, *Immigrants and the Economy in Maryland*, available at: <https://www.newamericaneconomy.org/locations/maryland/>

federal administration, it is absolutely crucial that Marylanders have faith that interacting with local and state government officials will not be a pipeline to deportation.

In addition to prohibiting the initial inquiry into immigration or citizenship status, SB901 goes further to protect immigrant Marylanders, by prohibiting jurisdictions from entering in agreements like the Intergovernmental Services Agreements (“IGSA”s) that transform County jails into immigration detention centers. On a weekly basis, CASA is called on to respond to ICE raids, where our members are snatched up by immigration agents and whisked off to detention centers in Frederick, Howard and Worcester Counties. Our experience shows us that more ICE beds equals more people in detention. It is crucial that we do all that we can to stop the inhumane practice of imprisoning people who are facing civil immigration violations.

The story of one of CASA’s most powerful and brave leaders illustrates how this detention regime hurts good people, undermines the fabrics of families and communities and leads to results that pervert justice. Roxana Orellana Santos was detained by ICE on January 8, after a routine ICE check-in. Despite the fact that she had multiple pending applications for immigration relief, and is currently litigating a federal civil rights case against the Frederick County Sheriff’s Office, it was only after weeks of tireless advocacy and pressure that ICE finally released Roxana. Roxana was the victim of racial profiling by the Frederick County Sheriff’s Office more than a decade ago and continues to fight to stay in this country.

Sadly, hers is not an isolated story. Just days after Roxana was detained, another CASA member experienced an emergency on the highway when her car caught fire. After seeking help from the police, she was identified as having an old deportation order and transferred to ICE. Another CASA member came to our Tuesday intakes and informed us that after she had been in a car accident, local police had facilitated her transfer to ICE and she is now fighting imminent deportation.

Deplorable conditions, lack of access to medical care, and general mismanagement have led to dozens of deaths in immigration detention over the last several years, including the deaths of seven children.⁴ There is no justification for Maryland facilitating the transfer of its residents to such a dangerous and punitive system, where individuals accused only of *civil* violation are subject to deplorable conditions and where their very lives are at risk. Although Maryland can’t force the federal government to end immigration detention, it can send a clear message that our state will no longer be complicit in this violation of our residents’ basic human rights.

Crucially, SB901 also calls on the Attorney General to work with key stakeholders to develop guidance on enacting policies that protect immigrants seeking to access sensitive locations, like schools, hospitals and courthouses. Although these locations are supposed to be generally shielded from ICE raids, we routinely hear from our members and allies

⁴Morales Rocketto, Jess, *Opinion: Seven Children Have Died in Immigration Custody. Remember Their Names.*, BuzzFeed, September 30, 2019, available at: <https://www.buzzfeednews.com/article/jessmoralesrocketto/remember-their-names>

about parents being picked up dropping their United States citizen children off at school, or attending court. In nearby Fairfax, Virginia,⁵ we saw ICE even pick up an individual leaving a hypothermia shelter run by a church.⁵ Such unconstrained tactics reveal the inherent lack of compassion in the current enforcement regime and demand a strong response from state and local governments to do whatever possible to protect their immigrant residents.

On the educational front, if parents are afraid to drop their kids off at school, or even send them to school in the first place, because they are afraid ICE will be waiting in the parking lot, then this undermines our state's educational mission and disrupts the school environment for everyone. At a time when Maryland is engaging in a generational investment in our children's futures through effectuating the recommendation of the Kirwan Commission, we cannot allow that laudable goal to be undermined by failing to protect those students and their families from a broken civil immigration enforcement system.

ICE enforcement actions in these sensitive locations also pose a public health risk. If parents or their children are unable to access medical facilities out of fear. If Marylanders don't feel safe accessing treatment in a timely manner there is increased risk that more serious conditions arise, or that infections are spread to other individuals, making communities less healthy and safe. At a time when public awareness of infectious disease is heightened due to fears of the spread of COVID19, we must do all we can to guarantee that all Marylanders, regardless of immigration status, feel safe accessing care.

Another example of why SB901 is necessary can be seen in the Trump administration's recent promulgation of a proposal to dramatically change what is known as the "public charge" rule, which despite significant litigation against it went into effect this week. This long-standing principle of federal immigration law has historically been applied to prevent immigrants from gaining lawful permanent resident status when they would likely become dependent upon the government as their main source of support. The Trump administration has proposed expanding the rule to prevent anyone who has used – or is likely to use - a broad category of benefits from being eligible to get lawful permanent residence in the United States. This is a blatant attack on the communities that comprise CASA's base – low-income, primarily immigrant communities, where families sometimes need to rely on some level of government-funded support to make ends meet or ensure that their children have healthy and nutritious food and access to medical care. These changes have already been implemented at U.S. consulates abroad and have led to a more than 300% increase in visa denials based on public charge grounds. In Maryland it is estimated that as many as 385,000 state residents, including 136,000 children, could be negatively impacted by this rule change.

⁵Carey, Julie, *ICE Agents Arrest Man Leaving Fairfax County Church Shelter*, NBC4, February 15, 2017, available at: <https://www.nbcwashington.com/news/local/ice-agents-arrest-men-leaving-alexandria-church-shelter/36084/>

CASA, together with partners from across the state and country, has engaged in a wide-ranging public education campaign to dispel myths about this proposed change and to argue against its implementation. But we cannot reach everyone, and in the end may not be able to stop this misguided policy. What we can, and must, do is ensure that Marylanders can access the benefits their tax dollars pay for without fear of being denied those benefits because of their immigration status. SB901 would help ensure that our immigrant communities feel safe going to the hospital, or seeking other state-funded services that they are eligible for.

CASA's Health and Human Services Department aids thousands of community members each year navigate the complex HHS system. While applying for Health and Human Services many times inquiring about immigration status for the purpose of assessing eligibility is necessary, but serious issues arise when these inquiries are misapplied. This commonly happens when mixed-status families are attempting to apply for services solely on behalf of those that are eligible, especially for their U.S.-born minor children. One cannot submit an application on behalf of a minor child without having an adult as the primary applicant. The system makes it overly cumbersome for mixed status families to opt-out of applying for the benefit for the primary applicant and solely applying on behalf of minor children that are eligible for the public benefit. The system asks several questions about the primary applicant's immigration status, despite them only applying for benefits for the eligible minor child. The system makes these questions required fields to be able to complete the application. These hurdles to apply for vital public benefits for eligible minors, especially in the context of the current political climate, forces some families to forgo critical services for the wellbeing of their minor children.

As the example above illustrate, since President Trump took office in 2017, his administration has engaged in a systemic attack on immigrant communities, seeking to sow fear among families and deport as many undocumented members of our communities as possible. CASA has fought back against these assaults on all fronts, including through community organizing and mobilization, engaging in a robust program of Know Your Rights presentations, and through legal actions in federal court. In many of these efforts, we have acted in concert with the State of Maryland. Governor Hogan has come out against some of President Trump's more controversial policies and Attorney General Frosh has joined with Attorneys General from across the country in suing to prevent the administration's unconstitutional actions from going into effect.

As we seek to protect our members, and their communities, from the rogue and often unlawful immigration policies of the current federal administration, it is absolutely crucial that Marylanders have faith that interacting with local and state government officials will not be a pipeline to deportation. That is why SB901 is such a crucial piece of legislation. By prohibiting government agents from inquiring about the immigration or citizenship status of an individual, and by banning the use of threats of adverse immigration consequences against individuals for the purpose of coercing information from them, SB901 represents a commitment by the state to protect its residents and ensure they have access to the services they need.

Of course, there are still areas where SB901 could be improved. We recommend that the bill be amended to eliminate the provisions allowing law enforcement to collaborate with ICE when someone has been convicted of a crime of violence, as defined in § 14-101 of the Criminal Law Article. This carve-out unnecessarily links Maryland's criminal justice system with the federal *civil* immigration enforcement system. As outlined above, linking these two systems actually undermines the criminal justice system because witnesses and victims are afraid to report crimes or show up to court. There is a mechanism available under the law to deal with individuals who are charged with and convicted of crimes. A Marylander should not be treated differently simply because of their immigration status. If ICE wishes to pursue the removal of an individual convicted of a crime, there is nothing that prohibits them from doing so, but the State of Maryland should not aid in their efforts. Such assistance undermines the community trust that is at the heart of SB901 and serves to keep families separated and communities living in fear.

CASA supports SB901 and urges a favorable report from the committee.

AttorneyGeneral_FAV_SB901

Uploaded by: Kemerer, Hannibal

Position: FAV

BRIAN E. FROSH
Attorney General



ELIZABETH HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General

FACSIMILE NO.

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

WRITER'S DIRECT DIAL NO.

February 26, 2020

To: The Honorable William C. Smith
Chair, Judicial Proceedings Committee

From: The Office of the Attorney General

Re: Senate Bill 901 – State and Local Government – Participation in Federal Immigration Enforcement

Senate Bill 901 seeks to strengthen the trust between law enforcement agencies and the communities that they serve by clarifying the limits on State and local participation in federal immigration enforcement activities. The Office of the Attorney general supports that objective.

In May of 2017, the Office of the Attorney General issued an Immigration Guidance Memorandum for Maryland State and local governments. The Guidance Memorandum, which the Office updated in December of 2018, describes the legal landscape governing the participation of law enforcement officials in immigration enforcement and is intended to help those officials make decisions about how to engage with federal immigration officers.¹ The 2018 guidance on federal immigration enforcement followed guidance issued by the Office in 2015 aimed at ending discriminatory profiling by state and local law enforcement agencies. The 2015 guidance advised that, consistent with state and federal constitutional law, local law enforcement may not consider race, ethnicity, national origin, religion, gender, gender identity, sexual orientation or disability when conducting routine police activity.² Together, these documents outline basic legal principles governing law enforcement interaction with the

¹ http://www.marylandattorneygeneral.gov/Reports/Immigration_Law_Guidance.pdf

² http://www.marylandattorneygeneral.gov/Reports/Ending_Discriminatory_Profiling.pdf



members of the public – parameters that are critical to assisting law enforcement and residents in navigating the uncertainty and confusion resulting from recent federal measures designed to restrict immigration and intensify the enforcement of federal immigration laws.

The following provisions advanced by Senate Bill 901 either address directly areas that are the subject of the Office’s 2015 and 2018 guidance memoranda, or are otherwise consistent with that guidance:

1. Prohibiting State and local law enforcement from acting for the sole purpose of enforcing civil immigration law;³
2. Addressing the circumstances under which State and local law enforcement may honor U.S. Immigration Customs Enforcement ("ICE") detainer requests;⁴
3. Prohibiting State and local government resources from being used to create a federal registry of individuals based on race, ethnicity, gender or other personal characteristics for the purpose of discriminating against those individuals; and
4. Encouraging public schools, hospitals and courthouses to develop policies that establish parameters regarding civil immigration enforcement on their premises.

Indeed, the Office has consistently advised that such policies take into appropriate consideration both the promotion of public safety and the State’s obligation and commitment to protecting vulnerable communities. They also reflect a growing trend among the State’s cities and counties to make clear the limits on local enforcement of federal immigration law.

³ As noted in our 2018 guidance, the federal government may not force State and local officials to carry out immigration law. Moreover, in determining whether to voluntarily engage in such activities, agencies should consider that providing immigration enforcement support with officers who have only limited expertise and training in immigration enforcement risks the type of racial profiling that is unconstitutional, as stated in the Office’s 2015 guidance. Many reports have described how formal participation in federal immigration enforcement—particularly by patrol officers—can also discourage immigrant communities from coming forward with information about criminal activity.

⁴ The Office’s 2018 guidance cautioned that law enforcement agencies face potential liability exposure if they honor ICE detainer requests unless the request is accompanied by a judicial warrant or supported by information providing probable cause that the subject of the detainer has committed a crime.

Recent actions by the Trump Administration have created great uncertainty around how and when immigration enforcement activities can occur, inspiring fear and confusion among many Maryland residents. The provisions of Senate Bill 901 set forth above will provide guidance to law enforcement and public agencies on the extent to which they may participate in civil immigration enforcement within the State, ensure that those activities are conducted in accordance with federal constitutional law, advance the State's commitment to maintaining trust between law enforcement and our most vulnerable communities, and promote public safety for all residents.

cc: Members of the Judicial Proceedings Committee

CAN - Jerry Kickenson_FAV_SB901

Uploaded by: Kickenson, Jerry

Position: FAV



Testimony in support of SB901 - 2020

State and Local Government - Participation in Federal Immigration Enforcement

To: Hon. William Smith, Chair, and members of the Senate Judicial Proceedings Committee

From: Jerry Kickenson and Martha Wells, Congregation Action Network

Date: February 26, 2020

We are writing in **support of Senate Bill 901**, State and Local Government - Participation in Federal Immigration Enforcement, with amendment, on behalf of the Congregation Action Network. The Congregation Action Network is a network of faith communities in Washington, DC, and the Maryland and Virginia suburbs acting in solidarity to end detention, deportation, profiling, and criminalization of immigrants and demanding and upholding justice, dignity, safety, and family unity. With over 75 congregations and a thousand members throughout the capital area, including over 25 congregations with thousands of members in Montgomery and Prince George's counties, we live our faith in advocacy for our immigrant neighbors.

As people of faith committed to ending the detention and deportation of immigrants, we adhere to the sacred texts of most major faiths that call for welcoming the stranger and treating each other with love, dignity, respect, and compassion. We believe in liberation and that immigrant families should be united and free - never incarcerated, and never feeling unsafe in their own communities.

SB901 would prohibit corrections officers from detaining people beyond their release date, unless presented with a valid judicial warrant. Imagine how a citizen would react if not released when scheduled, even when they are not accused of any crime. Yet some local corrections agencies in Maryland can and do hold people on only the request of Immigration and Customs Enforcement, with no evidence of a crime and no judicial oversight.

When not detaining, some local correctional officers will notify federal immigration authorities of the release date and time of individuals in their custody, allowing federal agents into non-public areas to ease taking individuals ordered released by local and state authorities into federal custody.

These practices treat immigrants with less due process than citizens. It puts our corrections agencies at risk of violating individuals' fourth amendment rights. As the Maryland Attorney General's *Local Enforcement of Federal Immigration Law: Legal Guidance for Maryland State and Local Law Enforcement Officials* states: "the government bears the burden of proving that the detention of someone beyond the person's State-law release date does not violate the Fourth Amendment and its Maryland counterpart."

SB901 would also prohibit police from inquiring about immigration status during stops. A clear policy like this will increase trust in Maryland's immigrant community, leading to better reporting

of crime and making us all safer. In Montgomery County, a legal resident did not report an auto breakin for fear of interacting with the police, because she had an undocumented family member. In Prince Georges County, a woman hesitated to report a sexual assault to police for fear of being reported to federal immigration authorities and deported. We want them, and all Maryland residents, to feel safe and not hesitate to aid police in preventing and solving crimes. Our local and state police have enough to do keeping Maryland safe without adding enforcement of federal immigration law.

Studies have repeatedly shown that immigrants, including undocumented immigrants, commit less crime than native born citizens. Studies have also shown that jurisdictions with policies and laws like SB901 have lower crime rates than those without.

This bill would not put Maryland at risk of retribution from the federal government in the form of reduced or retracted funding, or other clearly retributive actions. Legal precedent clearly prohibits the federal government from such actions. Jurisdictions such as California, Chicago and Philadelphia, have all won rulings in federal court preventing the federal government from doing so.

As people of faith who believe in, and practice, redemption, the Congregation Action Network requests one amendment to the proposed bill - Section 5-103(E)(2) should be deleted. This section exempts those ever convicted of a crime of violence from the protections against notification of federal immigration authorities and providing access to those authorities for the purpose of taking the individual into federal custody. The motivation for this clause, public safety, is laudable. However, those convicted of even a serious crime, perhaps decades ago, who have served their sentence in full, are not in any sense inherently more of a threat to public safety than any other resident of Maryland. Further, this clause implies that one who has committed a serious crime is incapable of redemption. We cannot accept this.

We strongly urge you to reach a favorable report for SB901, amended as we request just above. It will increase the trust that all Maryland residents hold for the police, making us all safer. It will align Maryland law with our Attorney General's guidelines. It is the right and moral thing to do.

Respectfully yours,

Jerry Kickenson

Cluster Leader, Congregation Action Network (Montgomery County)

Martha Wells

Cluster Leader, Congregation Action Network (Prince George's County)

Kickenson_FAV_SB901

Uploaded by: Kickenson, Jerry

Position: FAV

February 26, 2020

Jerry Kickenson
1701 Ladd St, Silver Spring, MD 20902
jerry@kickenson.info / (240) 839-1075

TESTIMONY IN SUPPORT OF SB901

State and Local Government- Participation in Federal Immigration Enforcement

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Jerry Kickenson

I am writing in support of Senate Bill 901, Criminal Procedure - Civil Immigration Enforcement - Restrictions. As a Jew, my sacred text and tradition teach us to welcome the stranger, for we were strangers in the land of Egypt. Leviticus 19:34 explicitly instructs us to treat the immigrant in our land the same as native citizens.

SB901 would prohibit law enforcement from collaborating with Immigration and Customs Enforcement (ICE) without a judicial warrant. This bill would prohibit police from inquiring about immigration status during stops. A clear policy like this will increase trust in Maryland's immigrant community, leading to better reporting of crime and making us all safer. In my community, a legal resident did not report an auto break-in for fear of interacting with the police, because she had an undocumented family member. I want her, and all Maryland residents, to feel safe and not hesitate to aid police in preventing and solving crimes. Our local and state police have enough to do keeping Maryland safe without adding enforcement of federal immigration law.

[Studies have repeatedly shown](#) that immigrants, including undocumented immigrants, commit less crime than native born citizens. [Studies have also shown](#) that jurisdictions with policies and laws like SB901 have lower crime rates than those without.

This bill would not put Maryland at risk of retribution from the federal government in the form of reduced or retracted funding. [Legal precedent clearly prohibits the federal government from such actions.](#) Jurisdictions such as California, Chicago, and most recently [Philadelphia](#), have all won rulings in federal court preventing the federal government from doing so.

I strongly urge you to reach a favorable report for SB901. It will increase all Maryland residents' trust in police, making us all safer. It will align Maryland law with our Attorney General's guidelines. It is the right thing to do.

Kridel_FAV_SB901

Uploaded by: Kridel, Jeremy

Position: FAV

February 26, 2020

Rabbi Jeremy M. Kridel
8353 Montgomery Run Road, Apartment A, Ellicott City, Maryland 21043
macharjeremy@gmail.com / (301) 708-9675

TESTIMONY IN SUPPORT OF SB901

State and Local Government- Participation in Federal Immigration Enforcement

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Rabbi Jeremy Kridel

My name is Jeremy Kridel. I am the Rabbi at Machar, The Washington Congregation for Secular Humanistic Judaism; about 60% of Machar's congregants live in Maryland. I am also a resident of Maryland, residing in District 12.

I write today in support of SB901.

Coming from the Jewish tradition, I take seriously the Bible's instructions that we honor and not oppress the stranger. The book of Leviticus is clear: "The stranger who lives among you shall be like one of your own citizens, and you shall love them as yourself – for you were strangers in the land of Egypt" (Lev. 19:34).

Our fellow Marylanders who have come to this state from another country know a different reality. Many Maryland residents know that a seemingly routine question about immigration status can result in arrest, detention, and being handed over into the custody of the U.S. Immigration and Customs Enforcement agency. They know that different police agencies have different policies about whether immigration status can be raised during routine police interactions. And because of that, they do not seek government services like police and fire protection, even when it is desperately needed, because they fear that any contact with law enforcement or public services means that they may be turned over to federal immigration authorities.

In an emergency, fellow Marylanders have legitimate fears that asking for help comes with the risk that they will not be treated "like one of your own citizens." And this has collateral effects upon public safety: domestic abuse may go unaddressed and violent crime may go unreported, with victims remaining unsafe.

Whenever and however Marylanders may have come to our state, they deserve equal treatment under the law. They deserve, as well, the right to know that when they need their state or local government's help, they will not be profiled or detained because of their citizenship or immigration status.

For these reasons, **I urge this committee to return a favorable report on SB901.**

Lampel_FAV_SB901

Uploaded by: Lampel, Anita

Position: FAV

February 26, 2020

Anita Lampel
7333 Heatherhill Ct, Bethesda, MD 20817
anitamishook46@gmail.com / 949-278-9216

TESTIMONY IN SUPPORT OF SB901

State and Local Government- Participation in Federal Immigration Enforcement

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Anita Lampel

My name is Anita Lampel. I live in District 16 and I am submitting testimony in favor of Senate Bill 901.

Jewish tradition teaches that it is our responsibility to welcome migrants. Jews have had to flee in order to save our lives and the lives of our children many times in our history, and have been seen as foreigners in the places we have called home for centuries. We understand what drives migrants to come here, and the consequences of being targeted as outsiders and feeling unsafe in our own communities.

My mother came to the United States at the age of 12 as an undocumented immigrant, in the company of her parents and six siblings. She was deported back to Canada at the age of 17, along with her parents and five of her brothers and sisters, unable to complete her senior year of high school or even say goodbye to her older brother.

How much worse that would have been for her if her father had been arrested for selling rags and junk without a license, interrogated about his citizenship because he spoke with a thick Yiddish accent, and then handed over to the equivalent of ICE to be sent away? Imagine the heartbreak, the terror of the children and his wife.

State and local police should not ask about citizenship status or do the unjust work of ICE. This often leads to questioning of individuals based on social status, skin color, and accent - clear examples of discrimination. The job of Maryland law enforcement is to keep all people in Maryland safe, a job which is hard enough without layering onto it an inquiry into citizenship. This makes the person questioned even more distressed and likely to feel unfairly targeted, which erodes the trust between these individuals and their communities and law enforcement - even discouraging people from reporting crime to the police.

My own family was separated by unjust immigration policy. We must stop participating in this cruel process.

Thank you for your attention. **I urge a favorable report on SB901.**

CASA - Nicholas Katz_FAV_SB901

Uploaded by: Morgan, Anthony

Position: FAV

Senate Judicial Proceedings Committee

SUPPORT SB901 – State and Local Government – Participation in Federal Immigration Enforcement

Testimony of Nicholas Katz, CASA de Maryland

February 26, 2020

Good Afternoon Mr. Chairman and members of the Committee:

My name is Nicholas Katz and I am the Senior Manager of Legal Services for CASA de Maryland (“CASA”). CASA is the largest membership-based immigrant rights organization in the mid-Atlantic region, with more than 90,000 members in Maryland. Thank you for this opportunity to testify today in support of SB901.

Fundamentally, SB901 simply takes immigration and citizenship status out of the equation when you are interacting with state and local government. Its strong prohibition on inquiring about such status, together with its mandate that such inquiries do not factor into decisions about access to State resources, unless required by law, and its explicit rejection of Maryland’s participation in any discriminatory registry, together form a powerful barrier between the State and an out-of-control federal immigration enforcement regime.

Importantly, this bill does nothing to impact the ability of Maryland to prosecute immigrants who have committed crimes. Rather, it simply takes immigration status out of the equation, putting everyone, regardless of immigration status, on an equal playing field. Immigrants who commit crimes will still be detained and prosecuted for the offenses, and face the same criminal penalties as anyone else. But they will not have to fear that Maryland will facilitate their transfer to immigration agents, placing them into a broken and dangerous *civil* system, over which Maryland has no control, that perversely has far greater consequences for their families than the criminal justice system.

This bill also does nothing to inhibit state and local law enforcement from collaborating with immigration enforcement agents on criminal matters. Investigations into things like human trafficking or drug trafficking are unrelated to the civil immigration enforcement system and as such are not governed by this legislation. The goal of SB901 is not to protect criminals. In fact, it is exactly the opposite. It is designed to encourage immigrants to feel safe accessing the criminal justice system, to report crimes without fear of retaliation based on their immigration status, to not turn the other way when they see a cop patrolling their street or a squad car driving down the road. Studies have shown

that jurisdictions that enact policies to separate themselves from the civil immigration enforcement system are safer and more prosperous.¹

CASA's strong support for SB901 stems from the experiences of our members, several of whom are bravely sharing their stories in support of this crucial piece of legislation. Each year thousands of community members come through CASA's doors, seeking assistance with legal issues, access to benefits, and for many other services. Over the last two years, the desperate need for these services has only risen, as the federal government has taken punitive – and often illegal – actions against the immigrant community. With continued hateful rhetoric coming from the highest levels of our government, immigrants in Maryland have become increasingly skeptical of engaging with government at any level. Stories like you'll hear from some of our members today, where State police unlawfully detained a man for helping his family trim a tree, or where a victim in a car accident suddenly faces permanent separation from her family, only exacerbate these feelings of unease.

That is why several of Maryland's largest localities, including Montgomery County, Prince George's County, Baltimore County, Baltimore City and a host of localities, including the city of Annapolis where we now sit, have taken bold action to protect their most vulnerable community members. But those actions are not enough. Only you can put in place the comprehensive protections necessary to ensure that Maryland is no longer complicit in the operation of a federal deportation machine that is out of control and ripping our communities apart.

SB901 is a huge, positive step in that direction. By generally prohibiting State employees, including law enforcement agents, from inquiring about an individual's citizenship or immigration status, this bill sends a powerful message to immigrant Marylanders that we value them as full members of our community. As you are no doubt aware, nearly one million Marylanders are foreign born, representing more than 15% of our state's population. Immigrant residents of Maryland help drive our state's economy, as we are home to more than 176,000 immigrant businesses and 67,000 immigrant entrepreneurs.² Maryland's immigrants pay more than \$12 billion in taxes each year.³

Almost all of CASA's more than 100,000 members have ties to another country, and many live in mixed status families, where some members have lawful immigration status in the United States and others may not. As we seek to protect our members, and their communities, from the rogue and often unlawful immigration policies of the current

¹Wong, Tom K., *The Effects of Sanctuary Policies on Crime and the Economy*, Center for American Progress, January 26, 2017, available at: <https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy/>

²Baltimore Sun Editorial Board, *Maryland's Economy Depends on Immigrants*, October 10, 2019, available at: <https://www.baltimoresun.com/opinion/editorial/bs-ed-1013-immigrants-maryland-20191010-s66dcyzrb5ec5fxbnsmkkaif3a-story.html>

³New American Economy, *Immigrants and the Economy in Maryland*, available at: <https://www.newamericaneconomy.org/locations/maryland/>

federal administration, it is absolutely crucial that Marylanders have faith that interacting with local and state government officials will not be a pipeline to deportation.

In addition to prohibiting the initial inquiry into immigration or citizenship status, SB901 goes further to protect immigrant Marylanders, by prohibiting jurisdictions from entering in agreements like the Intergovernmental Services Agreements (“IGSA”s) that transform County jails into immigration detention centers. On a weekly basis, CASA is called on to respond to ICE raids, where our members are snatched up by immigration agents and whisked off to detention centers in Frederick, Howard and Worcester Counties. Our experience shows us that more ICE beds equals more people in detention. It is crucial that we do all that we can to stop the inhumane practice of imprisoning people who are facing civil immigration violations.

The story of one of CASA’s most powerful and brave leaders illustrates how this detention regime hurts good people, undermines the fabrics of families and communities and leads to results that pervert justice. Roxana Orellana Santos was detained by ICE on January 8, after a routine ICE check-in. Despite the fact that she had multiple pending applications for immigration relief, and is currently litigating a federal civil rights case against the Frederick County Sheriff’s Office, it was only after weeks of tireless advocacy and pressure that ICE finally released Roxana. Roxana was the victim of racial profiling by the Frederick County Sheriff’s Office more than a decade ago and continues to fight to stay in this country.

Sadly, hers is not an isolated story. Just days after Roxana was detained, another CASA member experienced an emergency on the highway when her car caught fire. After seeking help from the police, she was identified as having an old deportation order and transferred to ICE. Another CASA member came to our Tuesday intakes and informed us that after she had been in a car accident, local police had facilitated her transfer to ICE and she is now fighting imminent deportation.

Deplorable conditions, lack of access to medical care, and general mismanagement have led to dozens of deaths in immigration detention over the last several years, including the deaths of seven children.⁴ There is no justification for Maryland facilitating the transfer of its residents to such a dangerous and punitive system, where individuals accused only of *civil* violation are subject to deplorable conditions and where their very lives are at risk. Although Maryland can’t force the federal government to end immigration detention, it can send a clear message that our state will no longer be complicit in this violation of our residents’ basic human rights.

Crucially, SB901 also calls on the Attorney General to work with key stakeholders to develop guidance on enacting policies that protect immigrants seeking to access sensitive locations, like schools, hospitals and courthouses. Although these locations are supposed to be generally shielded from ICE raids, we routinely hear from our members and allies

⁴Morales Rocketto, Jess, *Opinion: Seven Children Have Died in Immigration Custody. Remember Their Names.*, BuzzFeed, September 30, 2019, available at: <https://www.buzzfeednews.com/article/jessmoralesrocketto/remember-their-names>

about parents being picked up dropping their United States citizen children off at school, or attending court. In nearby Fairfax, Virginia,⁵ we saw ICE even pick up an individual leaving a hypothermia shelter run by a church.⁵ Such unconstrained tactics reveal the inherent lack of compassion in the current enforcement regime and demand a strong response from state and local governments to do whatever possible to protect their immigrant residents.

On the educational front, if parents are afraid to drop their kids off at school, or even send them to school in the first place, because they are afraid ICE will be waiting in the parking lot, then this undermines our state's educational mission and disrupts the school environment for everyone. At a time when Maryland is engaging in a generational investment in our childrens' futures through effectuating the recommendation of the Kirwan Commission, we cannot allow that laudable goal to be undermined by failing to protect those students and their families from a broken civil immigration enforcement system.

ICE enforcement actions in these sensitive locations also pose a public health risk. If parents or their children are unable to access medical facilities out of fear. If Marylanders don't feel safe accessing treatment in a timely manner there is increased risk that more serious conditions arise, or that infections are spread to other individuals, making communities less healthy and safe. At a time when public awareness of infectious disease is heightened due to fears of the spread of COVID19, we must do all we can to guarantee that all Marylanders, regardless of immigration status, feel safe accessing care.

Another example of why SB901 is necessary can be seen in the Trump administration's recent promulgation of a proposal to dramatically change what is known as the "public charge" rule, which despite significant litigation against it went into effect this week. This long-standing principle of federal immigration law has historically been applied to prevent immigrants from gaining lawful permanent resident status when they would likely become dependent upon the government as their main source of support. The Trump administration has proposed expanding the rule to prevent anyone who has used – or is likely to use - a broad category of benefits from being eligible to get lawful permanent residence in the United States. This is a blatant attack on the communities that comprise CASA's base – low-income, primarily immigrant communities, where families sometimes need to rely on some level of government-funded support to make ends meet or ensure that their children have healthy and nutritious food and access to medical care. These changes have already been implemented at U.S. consulates abroad and have led to a more than 300% increase in visa denials based on public charge grounds. In Maryland it is estimated that as many as 385,000 state residents, including 136,000 children, could be negatively impacted by this rule change.

⁵Carey, Julie, *ICE Agents Arrest Man Leaving Fairfax County Church Shelter*, NBC4, February 15, 2017, available at: <https://www.nbcwashington.com/news/local/ice-agents-arrest-men-leaving-alexandria-church-shelter/36084/>

CASA, together with partners from across the state and country, has engaged in a wide-ranging public education campaign to dispel myths about this proposed change and to argue against its implementation. But we cannot reach everyone, and in the end may not be able to stop this misguided policy. What we can, and must, do is ensure that Marylanders can access the benefits their tax dollars pay for without fear of being denied those benefits because of their immigration status. SB901 would help ensure that our immigrant communities feel safe going to the hospital, or seeking other state-funded services that they are eligible for.

CASA's Health and Human Services Department aids thousands of community members each year navigate the complex HHS system. While applying for Health and Human Services many times inquiring about immigration status for the purpose of assessing eligibility is necessary, but serious issues arise when these inquiries are misapplied. This commonly happens when mixed-status families are attempting to apply for services solely on behalf of those that are eligible, especially for their U.S.-born minor children. One cannot submit an application on behalf of a minor child without having an adult as the primary applicant. The system makes it overly cumbersome for mixed status families to opt-out of applying for the benefit for the primary applicant and solely applying on behalf of minor children that are eligible for the public benefit. The system asks several questions about the primary applicant's immigration status, despite them only applying for benefits for the eligible minor child. The system makes these questions required fields to be able to complete the application. These hurdles to apply for vital public benefits for eligible minors, especially in the context of the current political climate, forces some families to forgo critical services for the wellbeing of their minor children.

As the example above illustrate, since President Trump took office in 2017, his administration has engaged in a systemic attack on immigrant communities, seeking to sow fear among families and deport as many undocumented members of our communities as possible. CASA has fought back against these assaults on all fronts, including through community organizing and mobilization, engaging in a robust program of Know Your Rights presentations, and through legal actions in federal court. In many of these efforts, we have acted in concert with the State of Maryland. Governor Hogan has come out against some of President Trump's more controversial policies and Attorney General Frosh has joined with Attorneys General from across the country in suing to prevent the administration's unconstitutional actions from going into effect.

As we seek to protect our members, and their communities, from the rogue and often unlawful immigration policies of the current federal administration, it is absolutely crucial that Marylanders have faith that interacting with local and state government officials will not be a pipeline to deportation. That is why SB901 is such a crucial piece of legislation. By prohibiting government agents from inquiring about the immigration or citizenship status of an individual, and by banning the use of threats of adverse immigration consequences against individuals for the purpose of coercing information from them, SB901 represents a commitment by the state to protect its residents and ensure they have access to the services they need.

Of course, there are still areas where SB901 could be improved. We recommend that the bill be amended to eliminate the provisions allowing law enforcement to collaborate with ICE when someone has been convicted of a crime of violence, as defined in § 14-101 of the Criminal Law Article. This carve-out unnecessarily links Maryland's criminal justice system with the federal *civil* immigration enforcement system. As outlined above, linking these two systems actually undermines the criminal justice system because witnesses and victims are afraid to report crimes or show up to court. There is a mechanism available under the law to deal with individuals who are charged with and convicted of crimes. A Marylander should not be treated differently simply because of their immigration status. If ICE wishes to pursue the removal of an individual convicted of a crime, there is nothing that prohibits them from doing so, but the State of Maryland should not aid in their efforts. Such assistance undermines the community trust that is at the heart of SB901 and serves to keep families separated and communities living in fear.

CASA supports SB901 and urges a favorable report from the committee.

Silver_FAV_SB901

Uploaded by: Silver, Joanna

Position: FAV

February 26, 2020

Joanna Silver
1802 Tilton Dr, Silver Spring, MD 20902
joannabethsilver@hotmail.com / (202) 251-0235

TESTIMONY IN SUPPORT OF SB901

State and Local Government- Participation in Federal Immigration Enforcement

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Joanna Silver

My name is Joanna Silver and I live in District 18 in Silver Spring, Maryland. I write in support of Senate Bill 901 from a variety of perspectives.

First, I am a parent of a school-aged child whose schools in Montgomery County have had significant populations of immigrant families. My child is fortunate to learn alongside children from diverse backgrounds with diverse experiences. The success of my child's school, and thus my child's own educational experience, depends on the safety, security, and well-being of all of the children in his community. Children cannot be successful if their families do not feel safe and secure. For this reason, I urge you to support SB901.

Second, I am a member of the Community Social Action Council of Temple Emanuel in Kensington, Maryland. A cornerstone of my religious observance is Tikkun Olam, the idea that Jews have an obligation to repair the world. Jewish tradition is also rooted in the commandment that we welcome the stranger, for we were strangers in the land of Egypt. These core principles animate my fervent belief that our State has an obligation to welcome the stranger and to refuse to be complicit in the enforcement of policies based on fear, hatred, and distrust. For this reason, I urge you to support SB901.

Third, I am a member of the Takoma Park Mobilization Equal Justice Committee. Our members live throughout Montgomery County and we advocate for the safety and well-being of our immigrant neighbors throughout the county. We know that our immigrant neighbors live in fear and that this fear hampers their ability to access services to which they are entitled and to assist law enforcement in making our entire community safe. We also know that immigration enforcement at the state and local level diverts essential resources from the public safety needs of our community. And, we know that jurisdictions around the country that refuse to cooperate with ICE have lower crime rates and stronger economies than jurisdictions that assist ICE in its civil immigration enforcement activities. Trust between law enforcement and the community makes everyone safer. For this reason, I urge you to support SB901.

Finally, while I offer my testimony in my personal capacity, I have spent the past 16 years working as an Assistant Federal Public Defender in the District of Maryland and I specialize in

the intersections between criminal and immigration law. From this experience I can share a few relevant observations.

The most populous jurisdictions in Maryland have already enacted policies prohibiting law enforcement from detaining an individual at the request of ICE without a judicial warrant or notifying ICE if they encounter someone who is suspected of being in violation of our federal immigration laws. Despite this, my office's caseload for the offense of illegal reentry into the United States – a criminal offense investigated by ICE -- has increased significantly over the past three years. This increase is not due to an increase in the number of illegal reentries into the United States, but rather to the fact that ICE has prioritized its own resources to identify, investigate, and detain individuals who are here unlawfully. ICE does not need the assistance of our local law enforcement officers to do its job.

It is not difficult for ICE to obtain a judicial warrant if there is probable cause to believe an individual has committed a federal criminal offense. ICE can alert the United States Attorney's Office (USAO) to the suspected presence of a suspect in the community, the USAO and the ICE agent can present a criminal complaint to a Federal Magistrate, who can in turn issue a warrant; there is a "duty" Assistant United State Attorney and a "duty" Magistrate judge on call at both federal courthouses in Maryland every business day. Similarly, the USAO can convene a grand jury to obtain an indictment, which can also be the basis of a judicial warrant. As with any suspected offense, once an arrest warrant is active, it will be apparent to any local law enforcement officer who runs an individual for open warrants.

If ICE has probable cause to believe an individual violated a criminal law, it can get a judicial warrant; if it does not, it should not be permitted to circumvent the Fourth Amendment by asking a local law enforcement officer to detain someone. Our state should not be complicit in this violation of a fundamental right that exists for the benefit of all of us and, thus, must be enforced for all of us, regardless of our immigration status. For this reason, I also urge you to support SB901.

As a parent, as a member of the Jewish community, as an activist, and as someone with professional knowledge of ICE's capacity to carry out federal policies without this State's assistance, **I urge you to support SB901.**

TPM - Joanna Silver_FAV_SB901

Uploaded by: Silver, Joanna

Position: FAV

TESTIMONY IN SUPPORT OF SB901 – Criminal Procedure – State and Local Government - Participation in Federal Immigration Enforcement

My name is Joanna Silver and I live in Silver Spring, Maryland. I am testifying in support of Senate Bill 901 from a variety of perspectives:

First, I am a parent of a school-aged child whose schools in Montgomery County have had significant populations of immigrant families. My child is fortunate to learn alongside children from diverse backgrounds with diverse experiences. The success of my child's school, and thus my child's own educational experience, depends on the safety, security, and well-being of *all* of the children in his community. Children cannot be successful if their families do not feel safe and secure. For this reason, I urge you to support SB901.

Second, I am a member of the Community Social Action Council of Temple Emanuel in Kensington, Maryland and a member of Jews United for Justice. A cornerstone of my religious observance is *Tikkun Olam*, the idea that Jews have an obligation to repair the world. Jewish tradition is also rooted in the commandment that we welcome the stranger, for we were strangers in the land of Egypt. These core principles animate my fervent belief that our State has an obligation to welcome the stranger and to refuse to be complicit in the enforcement of policies based on fear, hatred, and distrust. For this reason, I urge you to support SB901.

Third, I am a member of the Takoma Park Mobilization Equal Justice Committee. Our 1800+ members live throughout Montgomery County and we advocate for the safety and well-being of our immigrant neighbors throughout the county. We know that our immigrant neighbors live in fear and that this fear hampers their ability to access services to which they are entitled and to assist law enforcement in making our entire community safe. We also know that immigration enforcement at the state and local level diverts essential resources from the public safety needs of our community. And, we know that jurisdictions around the country that refuse to cooperate with ICE have lower crime rates and stronger economies than jurisdictions that assist ICE in its civil immigration enforcement activities. Trust between law enforcement and the community makes everyone safer. For this reason, I urge you to support SB901.

Fourth, while I offer my testimony in my personal capacity, I have spent the past 16 years working as an Assistant Federal Public Defender in the District of Maryland and I specialize in the intersections between criminal and immigration law. From this experience I can share a few relevant observations regarding the part of SB901 that limits cooperation between corrections agencies/officers and ICE.

The most populous jurisdictions in Maryland have already enacted policies prohibiting correctional facilities from detaining someone beyond their state court release date without a judicial warrant. Despite this, my office's caseload for the offense of illegal reentry into the United States – a criminal offense investigated by ICE -- has increased significantly over the past three years. This increase is not due to an increase in the number of illegal reentries into the United States, but rather to the fact that ICE has prioritized its own resources to identify, investigate, and detain individuals who are here unlawfully. The majority of my illegal reentry clients are found by ICE at their homes, on their way to work, or in some cases, while dutifully reporting to their probation officers if they have had a new criminal conviction. ICE does not need the assistance of our correctional facilities to do its job.

If ICE learns that a person of interest is in a local detention facility (which it does automatically via the NCIC), ICE can easily obtain a judicial warrant if there is probable cause to believe the person has also committed a criminal immigration offense. ICE can alert the United States Attorney's Office (USAO) and the USAO and the ICE agent can present a criminal complaint to a Federal Magistrate who can in turn issue a warrant; there is a "duty" Assistant United States Attorney and a "duty" Magistrate judge on call at both federal courthouses in Maryland every day. Similarly, the USAO can convene a grand jury to obtain an indictment, which can also be the basis of a judicial warrant. At present, ICE tends to wait until it has someone in its custody before referring the case to the United States Attorney for prosecution; there is no reason why it cannot make that referral while the person is still in a local detention center.

My work as a federal public defender, and as a state public defender in Montgomery County before that, has granted me a close look at the non-citizens in our state who have been involved with our criminal justice system. This exposure strengthens my support for SB901 and my concern with the notification requirement currently in the bill. My non-citizen clients, documented and undocumented, are incredibly hard workers; I honestly cannot remember a non-citizen client who was not working at the time of his arrest. In addition, almost all of my non-citizen clients provide financial support for other people in our community and/or in their home countries, and many have had US Citizen children and even grandchildren.

My non-citizen and undocumented clients become involved in the criminal justice system for the same reasons as my citizen clients: mental health disabilities, poverty, addiction, childhood trauma, and the over policing of Black and Brown communities (rates of Black immigrants deported based on criminal justice involvement far outpace their actual representation in the immigrant community). For example, I recently represented a gentleman who had prior convictions for crimes of violence, but he also had an intellectual disability and was abandoned by his parents when he was 7 years-old and left to fend for himself amid poverty and violence in Honduras.

Some of the people I represent who have convictions for crimes of violence have convictions that are very old, and their current criminal justice involvement is minor and nonviolent. Non-citizens age out of violent behavior in the same way that citizens do (the parole reform legislation that this Committee is considering recognizes this fact). Finally, the offensive trope that non-citizens are child molesters and rapists (something I hear often from the anti-immigrant constituents who testify in front of this Committee), is not born out by my personal experience. To the contrary, the overwhelming majority of my sex offender clients are White, male, United States citizens.

There is simply nothing I have seen in my non-citizen client base that leads me to believe our State is justified in treating them any differently than we treat anyone else who has completed their time in state custody. The data supports this conclusion: immigrants, including undocumented immigrants, commit crimes at lower rates than US citizens. There is no reason for our State to be complicit with ICE by helping it detain our community members, regardless of their criminal justice involvement.

As a parent, as a member of the Jewish community, as an activist, and as someone with years of experience representing individuals targeted by ICE, I urge you to support SB901.

Simon_FAV_SB901

Uploaded by: Simon, Margie

Position: FAV

February 26, 2020

Margie Simon
35 Stonehenge Cir, Apt 12, Baltimore MD 21208
mbs827@verizon.net / (410) 484-3461

**JEW'S UNITED
FOR JUSTICE**

THINK JEWISHLY. ACT LOCALLY.

TESTIMONY IN SUPPORT OF SB901

State and Local Government- Participation in Federal Immigration Enforcement

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Margie Simon, on behalf of Jews United for Justice

My name is Margie Simon, I am a resident of Baltimore County's District 11 and I am submitting testimony in favor of Senate Bill 901 on behalf of Jews United For Justice (JUFJ). JUFJ organizes nearly 5,000 Jewish Marylanders and allies in support of local campaigns for social, racial, and economic justice.

Exodus 22:20 says "You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt." My grandparents were also strangers in the United States. Because of my heritage, both as a Jew and as the grandchild of immigrants, I know that we need to work to ensure that people not born in this country are able to get help from the police without worrying that they could be deported or separated from their families. We must pass SB901.

In addition to the moral imperative to pass this bill, it is also legally the right thing to do to avoid violating our fellow Marylanders' rights. Roxana Santos was eating lunch in October 2008 when two sheriff's deputies questioned her immigration status and subsequently arrested her. She sued, and in September 2018 a judge ruled that her arrest was illegal because it violated Santos's Fourth Amendment rights. SB901 will prevent law enforcement from collaborating with Immigration and Customs Enforcement (ICE), except when presented with a judicial warrant. It will also codify the recommendations that the Maryland Attorney General made in his December 2018 guidance memorandum.

SB901 would have no impact on any kind of criminal investigation. What it would do is ensure that no one living in Maryland, regardless of their immigration status, would have to fear being deported or being separated from their family while going about daily life. As a Jew and as descendants of immigrants, **we respectfully urge a favorable report on SB901.**

Tammy Sengler_FAV_SB 901

Uploaded by: Spengler, Tammy

Position: FAV



Unitarian Universalist Legislative Ministry of Maryland

Shared Voices for Liberal Religious Values in Maryland

Testimony in Support of SB 901 - State and Local Government - Participation in Federal Immigration Enforcement

**To: Senator William Smith, Jr. and Members of the Senate Judicial
Proceedings Committee**

**From: Tammy Spengler, co-Chair, Immigration Task Force, Unitarian
Universalist Legislative Ministry of Maryland**

Date: February 26, 2020

Thank you for the opportunity to provide written testimony in support of SB 901. UULM-MD is a statewide advocacy network of Unitarian Universalists. We represent approximately 4,000 Unitarians across the state and advocate for bills that foster justice, health and equity in society and seek to nurture an inclusive, life affirming system of government.

The Trust Act would help promote a life-affirming government in Maryland. It would allow immigrants to feel that they can turn to their local police officers and governments if they have been a victim of a crime or need help. We have spoken to immigrants who are too afraid to call 911 if they have been robbed or had a fire in their home due to their fear of being turned over to ICE by the police. If Maryland limits our involvement with ICE, we will gain the trust of immigrant neighbors.

ICE and our national government have lost the trust of immigrants across the country due to their actions of separating families, creating a Muslim ban, denying people the right to file asylum, and providing inhumane conditions at ICE facilities. If we collaborate with ICE, we become complicit with these actions, and therefore untrustworthy.

Neurologically, trust is earned when each party is able to answer the following three questions: Do I matter to you? Are you there for me? Am I safe with you?

It is time that Maryland let our immigrant neighbors know that they do matter to us, that we will stand by them, and we will keep them safe. Please give the Trust Act a favorable report and vote in favor of SB 901.

ACLU Maryland - Joseph Spielberg_FAV_SB901

Uploaded by: Spielberg, Joseph

Position: FAV



**Testimony for the Senate Judicial Proceedings Committee
February 26, 2020**

**SB 901 – State and Local Government – Participation in Federal
Immigration Enforcement**

JOSEPH SPIELBERGER
PUBLIC POLICY COUNSEL

FAVORABLE

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

MAIN OFFICE
& MAILING ADDRESS
3600 CLIPPER MILL ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
or 240-274-5295
F/410-366-7838

FIELD OFFICE
6930 CARROLL AVENUE
SUITE 610
TAKOMA PARK, MD 20912
T/240-274-5295

WWW.ACLU-MD.ORG

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The ACLU of Maryland supports with amendment SB 901, which clarifies and limits the authority of state and local law enforcement and correctional agencies and employees to assist federal immigration authorities with civil immigration enforcement. In so doing, this bill would help ensure that all Marylanders, regardless of immigration status, have the Constitutional rights to which they are entitled, and provide important protections that build trust between law enforcement and the communities they serve.

The 287(g) program that deputizes officers to assist with federal immigration enforcement leads to racial profiling and furthers distrust between law enforcement and local communities.

Under federal immigration law, state and local law enforcement agencies may enter into an agreement with federal immigration authorities to enforce immigration law within their jurisdictions.¹ The 287(g) program turns local officers into immigration officers with minimal training, and virtually no oversight or accountability.² From the beginning, it has produced countless complaints of abusive police practices, racial profiling, and deteriorating relationships between police and local communities.

For instance, a Frederick County grandmother who was driving with her daughter and grandchildren in the car was pulled over. The officer lied about why he pulled her over (a broken taillight that was working just fine), proceeded to interrogate her about her immigration status, and detained her illegally, making her believe she would be separated permanently from her family.³ Although she was eventually released, this is just one of many examples of abusive police practices that terrify communities, and make residents view law enforcement as a threat, rather than protection.

Maryland's law enforcement agencies must serve all individuals equally and without discrimination. We also must ensure that public safety decisions are

¹ 8 U.S.C. § 1357(g).

² See DHS, Officer of Inspector General, *The Performance of 287(g) Agreements: Report Update* (Sept. 2010), 10-11, available at http://www.oig.dhs.gov/assets/mgmt/oig_10-63_mar10.pdf

³ *Medrano et al v. Jenkins et al*, 1:19-cv-02038 (Maryland).



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made and resources are spent to advance the interests of *Maryland's communities* first, not the federal government's anti-immigrant stance.

State and local law enforcement may not arrest individuals on the basis of civil immigration warrants alone.

The U.S. Supreme Court has held that state and local law enforcement do not have the authority to arrest or detain an individual based solely on a civil immigration warrant.⁴ It is only a *civil violation* and not a *criminal offense* for an undocumented immigrant to remain in the United States, even if law enforcement fails to understand or act on that fact. Furthermore, the Fourth Circuit also holds that municipalities are liable for damages that arise from these unlawful arrests.⁵ By codifying these rulings, this bill would ensure uniform implementation across the state.

Detaining an individual on a federal immigration hold request is unconstitutional.

Federal immigration authorities routinely issue hold requests for state and local law enforcement to detain a person past their release date from custody in order to give ICE more time to arrive and take the individual into its custody. Although this is regular practice, it constitutes a new arrest and detention that must meet Fourth Amendment requirements, and either

- (1) Be based on a warrant supported by probable cause and issued by a neutral judge, or
- (2) Meet the requirements for a warrantless arrest.

However, several courts have held that it does not satisfy either requirement.⁶ There is neither a probable cause requirement, nor a process through which to find probable cause in order to issue a federal immigration hold request.⁷ This means these hold requests do not meet basic Fourth Amendment requirements for a valid warrant.⁸ They also do not meet the requirements for a warrantless arrest, which would entail bringing the individual before a neutral judge. Hold requests are only signed by an employee of the arresting agency.

⁴ *Arizona v. United States*, 567 U.S. 387 (2012).

⁵ *Santos v. Frederick Cnty. Bd. Of Comm'rs*, 725 F.3d 451 (4th Cir. 2013).

⁶ *See, e.g., Miranda-Olivares v. Clackamas County*, 2014 WL 1414305 (D. Or. Apr. 11, 2014); *Galarza v. Szalczyk*, 745 F.3d 634 (3rd Cir. 2013); *Morales v. Chadbourne*, 793 F.3d 208 (1st Cir. 2015); *Jimenez-Moreno v. Napolitano*, ___F.Supp.3d___, 2016 WL 572465 (N.D.Ill. Sept. 30, 2016).

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⁸ *See Gerstein v. Pugh*, 420 U.S. 103, 116 n. 18, 117 (1975).



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Therefore, by eliminating compliance with ICE hold requests, this bill would ensure that state and local law enforcement agencies uphold the constitutional rights of those in their custody.

Except in limited circumstances, state and local law enforcement are not required to share information with federal immigration authorities.

State and local agencies may restrict information-sharing with federal immigration authorities, and doing so is critical to rebuilding trust between law enforcement and community members. While federal law prohibits restrictions on communication about immigration or citizenship status of individuals, it does not prohibit limiting communications regarding release dates, custody status, or criminal case information for individuals in state or local custody.⁹ By preventing state and local law enforcement from sharing this type of information, this bill would help prevent the damaging pipeline that leads from a routine police encounter to immigration detention and deportation.

Every day, Marylanders across our state live in fear of being unlawfully detained, separated from their families, and deported, because of draconian immigration laws and practices. These risks prevent even lawful residents and crime victims from interacting with local police. This bill would help protect Maryland residents from lifelong negative consequences, and rebuild trust between law enforcement and the communities they serve.

For the foregoing reasons, we urge a favorable report on SB 901.

⁹ See 8 U.S. Code § 1373.

ACLU Maryland - Joseph Spielberg_FAV_SB901

Uploaded by: Spielberg, Joseph

Position: FAV



**Testimony for the Senate Judicial Proceedings Committee
February 26, 2020**

**SB 901 – State and Local Government – Participation in Federal
Immigration Enforcement**

JOSEPH SPIELBERGER
PUBLIC POLICY COUNSEL

FAVORABLE

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

MAIN OFFICE
& MAILING ADDRESS
3600 CLIPPER MILL ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
or 240-274-5295
F/410-366-7838

FIELD OFFICE
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T/240-274-5295

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For the foregoing reasons, we urge a favorable report on SB 901.

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ACLU Maryland - Joseph Spielberg_FAV_SB901

Uploaded by: Spielberg, Joseph

Position: FAV



**Testimony for the Senate Judicial Proceedings Committee
February 26, 2020**

**SB 901 – State and Local Government – Participation in Federal
Immigration Enforcement**

JOSEPH SPIELBERGER
PUBLIC POLICY COUNSEL

FAVORABLE

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MARYLAND

MAIN OFFICE
& MAILING ADDRESS
3600 CLIPPER MILL ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
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F/410-366-7838

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6930 CARROLL AVENUE
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made and resources are spent to advance the interests of *Maryland's communities* first, not the federal government's anti-immigrant stance.

State and local law enforcement may not arrest individuals on the basis of civil immigration warrants alone.

The U.S. Supreme Court has held that state and local law enforcement do not have the authority to arrest or detain an individual based solely on a civil immigration warrant.⁴ It is only a *civil violation* and not a *criminal offense* for an undocumented immigrant to remain in the United States, even if law enforcement fails to understand or act on that fact. Furthermore, the Fourth Circuit also holds that municipalities are liable for damages that arise from these unlawful arrests.⁵ By codifying these rulings, this bill would ensure uniform implementation across the state.

Detaining an individual on a federal immigration hold request is unconstitutional.

Federal immigration authorities routinely issue hold requests for state and local law enforcement to detain a person past their release date from custody in order to give ICE more time to arrive and take the individual into its custody. Although this is regular practice, it constitutes a new arrest and detention that must meet Fourth Amendment requirements, and either

- (1) Be based on a warrant supported by probable cause and issued by a neutral judge, or
- (2) Meet the requirements for a warrantless arrest.

However, several courts have held that it does not satisfy either requirement.⁶ There is neither a probable cause requirement, nor a process through which to find probable cause in order to issue a federal immigration hold request.⁷ This means these hold requests do not meet basic Fourth Amendment requirements for a valid warrant.⁸ They also do not meet the requirements for a warrantless arrest, which would entail bringing the individual before a neutral judge. Hold requests are only signed by an employee of the arresting agency.

⁴ *Arizona v. United States*, 567 U.S. 387 (2012).

⁵ *Santos v. Frederick Cnty. Bd. Of Comm'rs*, 725 F.3d 451 (4th Cir. 2013).

⁶ *See, e.g., Miranda-Olivares v. Clackamas County*, 2014 WL 1414305 (D. Or. Apr. 11, 2014); *Galarza v. Szalczyk*, 745 F.3d 634 (3rd Cir. 2013); *Morales v. Chadbourne*, 793 F.3d 208 (1st Cir. 2015); *Jimenez-Moreno v. Napolitano*, ___F.Supp.3d___, 2016 WL 572465 (N.D.Ill. Sept. 30, 2016).

⁷ *See* Form I-247 (issued by an ICE employee, which only requires an ICE employee's signature, no oath or affirmation of probable cause, and no review by a neutral judge), accessed at <http://www.ice.gov/doclib/secure-communities/pdf/immigration-detainer-form.pdf>

⁸ *See Gerstein v. Pugh*, 420 U.S. 103, 116 n. 18, 117 (1975).



AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

Maryland

Therefore, by eliminating compliance with ICE hold requests, this bill would ensure that state and local law enforcement agencies uphold the constitutional rights of those in their custody.

Except in limited circumstances, state and local law enforcement are not required to share information with federal immigration authorities.

State and local agencies may restrict information-sharing with federal immigration authorities, and doing so is critical to rebuilding trust between law enforcement and community members. While federal law prohibits restrictions on communication about immigration or citizenship status of individuals, it does not prohibit limiting communications regarding release dates, custody status, or criminal case information for individuals in state or local custody.⁹ By preventing state and local law enforcement from sharing this type of information, this bill would help prevent the damaging pipeline that leads from a routine police encounter to immigration detention and deportation.

Every day, Marylanders across our state live in fear of being unlawfully detained, separated from their families, and deported, because of draconian immigration laws and practices. These risks prevent even lawful residents and crime victims from interacting with local police. This bill would help protect Maryland residents from lifelong negative consequences, and rebuild trust between law enforcement and the communities they serve.

For the foregoing reasons, we urge a favorable report on SB 901.

⁹ See 8 U.S. Code § 1373.

Starr_FAV_SB901

Uploaded by: Starr, Sonya

Position: FAV



February 26, 2020

Rabbi Sonya Starr

5474 Bright Hawk Ct, Columbia, MD 21045, rabbistarr@columbiajewish.org / (410) 730-6044

TESTIMONY IN SUPPORT OF SB901

State and Local Government- Participation in Federal Immigration Enforcement

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Rabbi Sonya Starr on behalf of Columbia Jewish Congregation and Howard County Board of Rabbis

My name is Rabbi Sonya Starr and I live in District 13. I submit this testimony representing myself, Columbia Jewish Congregation and Howard County Board of Rabbis. I am the granddaughter of four US immigrants from Eastern Europe and the mother of two naturalized US citizens from Guatemala. We want to encourage you to support SB901.

My family's history demonstrates why we need legislation that protects immigrants in Maryland. My grandmother Sarah hired a fake uncle for the day who sponsored her into this country. My grandfather William's parents lied, telling the customs officers that he was sick instead of deaf and mute so that he could get the education impossible to receive in the old country. The only thing that separates Sarah and William from the undocumented residents of Maryland today is 100 years. Our undocumented neighbors have fled extreme poverty, relentless violence, horrific persecution and unavailable medical care in order to give their children and grandchildren a better life. They are tax paying, hardworking contributing members of our community. They are the ancestors of tomorrow's lawyers, doctors, clergy, voters, and state delegates.

My children who were born in Guatemala are immigrants and people of color. They are constantly profiled by police officers when they walk down the street or get stopped for a routine traffic violation. They have been counseled by immigration lawyers to always carry a copy of their naturalization papers with them in case they are traveling in a county that works with ICE. They are American citizens who are profiled and harassed.

I am commanded as a Jew and as a human being to remember the lessons of the past. It says in the Hebrew Bible no less than 36 times to protect the stranger because we too were once strangers in the land of Egypt. I am to remember what happened to the shiploads of people America turned back during the Holocaust who died at sea or were killed by the Nazis. I am to remember that there are parts of this world that are so violent and terrifying, or so poor and hungry that we here in Maryland must provide refuge. I am to remember so that I will do everything in my power to support, and legitimize their pathway to citizenship.

The Talmud is one of the oldest sacred Jewish books. It is written in the Talmud "Whoever saves one life saves the whole world." In the name of the people that I am representing, I am asking you to save many worlds by codifying our ethics into law. We must protect not only those lucky enough to immigrate 100 or 200 years ago, or those who by accident of birth have white privilege, but all people. **I urge a favorable report on SB901.** Thank you for your time and attention.

Stoica_FAV_SB901

Uploaded by: Stoica, Ioana

Position: FAV

February 26, 2020

Ioana Stoica
5802 Holger Ct, Laurel, MD 20707
ioana.stoica@gmail.com / (240) 643-0059

TESTIMONY IN SUPPORT OF SB901

State and Local Government- Participation in Federal Immigration Enforcement

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Ioana Stoica

My name is Ioana Stoica and I have been a Maryland resident for most of the time since immigrating to the United States at the age of 11. I have resided in District 21 for the past 4 years. This testimony is in support of SB901.

My father defected from the brutal dictatorship of Nicolae Ceausescu in Romania. Aided by a coalition of faith organizations, he escaped while at a conference in East Germany and was smuggled into West Germany. An engineer in our home country of Romania, in West Germany he worked for less than minimum wage in manual labor jobs as an undocumented immigrant. Determined to make it to the United States, he spent all his spare time filling out forms and waiting in line for an appointment at the US Embassy. My father lived in fear every day that he would be rounded up and sent back to face prison or worse. Finally, he received an interview with the embassy; when asked why he wanted to come to the United States, my father replied that he would give anything to live in a place that afforded so many freedoms, including the freedom to not be afraid. As he tells the story, the interviewer then and there stamped his forms and congratulated him on a favorable interview and probable asylum. Months later, he was on a plane to Maryland, and, a couple years after that, communism fell and my sister, mother and I were able to join him.

It has been my family's greatest privilege to be granted asylum and to be welcomed with open arms in our progressive, diverse state. However, our privilege now does not extend to so many others who are facing just as dire, and in many cases, much worse, situations. People today escaping civil war, drought and other natural hardships, extreme poverty, gang violence, and those simply seeking freedom to pursue happiness and better conditions for their children, deserve the same consideration. They, too, deserve the freedom to not be afraid.

Nobody in this country, a country that prides itself as standing as a beacon of liberty, should live in fear that they will be caged, jailed, separated from their families, or deported, simply for working hard and making a future for their children. SB901 will ensure that Maryland law enforcement cannot simply terrorize residents by stopping people to ask about their immigration status, and detaining people based on this status, or by cooperating with ICE without a warrant. Our great state of Maryland should do all it can to diminish the effect of the

federal government's brutal, inhumane immigration policies; the very least we can do is not cooperate with ICE, and certainly, we can help by not doing their job for them.

The Jewish holiday of Passover begins soon after the end of the Maryland legislative session this year. During Passover, we tell stories of passage and focus on teachings about welcoming the stranger, a role we all have played in the past. Every single one of us, unless we are of indigenous American descent, was once an immigrant, and it was only unearned privilege related to circumstances at the time, that allowed us present citizenship status. It would thus be unconscionable for Maryland to turn our current undocumented residents over to ICE or to harass citizens to determine their immigration status, especially as these individuals contribute productively to our economy and community.

Please, stand up for the fundamental principle of liberty and dignity for all people, regardless of the privileges or lack thereof that they were born into, and support this important legislation. I respectfully urge a favorable report on SB901.

Sugarman_FAV_SB901

Uploaded by: Sugarman, Kate

Position: FAV

February 26, 2020

Kate Sugarman, MD
11909 Enid Drive, Potomac MD 20854
ksugarman@unityhealthcare.org / 301-343-5724

TESTIMONY IN SUPPORT OF SB901

State and Local Government- Participation in Federal Immigration Enforcement

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Dr. Kate Sugarman

My name is Dr. Kate Sugarman, MD and I live in Potomac. I am a member of Jews United for Justice and Beth Sholom Synagogue, and a faculty member at Georgetown Law School. I am testifying in support of SB901. I am a family physician at Unity Health Care, where I treat a large number of immigrant patients who live in Montgomery and Prince George's County. I also specialize in human rights medicine which means I document scars and other signs of torture for asylum seekers as evidence of their being tortured in their country of origin.

From my experience in treating many thousands of immigrant patients I know how critical it is for the Maryland General Assembly to pass SB901. It is vital that my patients and all immigrants feel safe to seek out health care, educational services, police protection and more. None of my patients, nor their friends or family members, should have to fear deportation or family separation simply because they are immigrants.

All primary care doctors know that prevention and early detection in health care are crucially important. We always encourage our patients to come in for vaccines, blood pressure checks, cancer screenings, etc. so that we can see them before they become ill from preventable illnesses. When patients fear that coming to the doctor means that they risk deportations, then they risk getting sick or dying from what would have been treatable had they come sooner.

It is well known how detrimental it is for families when a beloved family member is deported. As a family doctor, it is my job to promote the health of families. That means my goal is to keep families together. Children can not focus in school if they fear the deportation of a parent or loved one, and their performance and their health suffer.

I strongly urge you to support SB901.

PGC - Tavaras_FAV_SB901

Uploaded by: Tavaras, Deni

Position: FAV



THE PRINCE GEORGE'S COUNTY GOVERNMENT

(301) 952-4436

Deni L. Taveras
Council Member, District 2

February 26, 2020

Hon. William C. Smith, Jr., District 20
Chair, Judicial Proceedings Committee
Maryland Senate
2 East, Miller Senate Office Building
Annapolis, MD 21401

Dear Chairman Smith and Esteemed Members of the Judicial Proceedings Committee,

I urge you to support Senate Bill 901, State and Local Government – Participation in Federal Immigration Enforcement, which ensures that all Marylanders are treated equally by law enforcement, regardless of immigration status. This bill will improve safety across the state by ensuring that immigrant and otherwise vulnerable communities can engage with law enforcement with the assurance that such engagement will not be used to assist in civil immigration enforcement.

In 2019 I introduced the Community Inclusiveness Bill in Prince George's County that included similar guarantees. The Council unanimously passed the bill in November, joining Baltimore and Montgomery Counties in affirming that immigration enforcement is the work of the federal government, not local authorities. The enactment of our bill in Prince George's County, CB-062-2019, followed recent cases in which County residents were deported or faced deportation proceedings after interactions with police involving traffic-related incidents. These tragic stories highlighted the dire consequences of interacting with law enforcement when you are undocumented or are a part of a mixed-status family.

While jurisdictions such as Prince George's County have taken the initiative to pass legislation that ensures the trust and safety of all residents, Marylanders should be treated equally by law enforcement regardless of where they are in our state. Safety should not stop at the county line, and Marylanders deserve more than a patchwork of assurances from local government.

Thank you for considering these comments and I again urge you to support SB 901.

Sincerely,

A handwritten signature in black ink that reads "Deni Taveras". The signature is written in a cursive style with a large, stylized "D" and "T".

Hon. Deni Taveras
Prince George's County Council, District 2

Maryland Catholic Conference_FAV_SB901

Uploaded by: Wallerstedt, Anne

Position: FAV



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

February 26, 2020

SB 901

State and Local Government – Participation in Federal Immigration Enforcement

Senate Judicial Proceedings Committee

Position: Support

The Maryland Catholic Conference (“Conference”) represents the public policy interests of the three Roman Catholic (arch)dioceses serving Maryland: the Archdiocese of Baltimore, the Archdiocese of Washington, and the Diocese of Wilmington.

Senate Bill 901 clarifies the roles of federal civil immigration authorities and local law enforcement officials in the state, specifically related to notification procedures to federal agencies, such as ICE, without a federal judicial warrant.

The Catholic Church has historically held a strong interest in immigration and how public policy affects immigrants seeking a new life in the United States. In the absence of federal immigration policy reform, there has to be greater clarity in the roles of local, state, and federal law enforcement in immigration enforcement and detainment. Unfortunately, when local and state law enforcement are requested to take part in immigration enforcement, it causes an erosion of their critical relationship with immigrant communities. When immigrant communities do not feel comfortable interacting with police – even to report crimes, then whole communities are less safe as crimes go unreported and/or unsolved. Senate Bill 901 balances the needs for both public safety and immigration enforcement in order to make families and communities safer. It will rebuild the necessary trust between law enforcement and immigrants throughout Maryland.

The Conference strongly supports legislation that protects immigrants and their families. A person and their family shouldn’t have to live in fear from the very entities who are tasked with keeping every person safe and healthy and helping our communities thrive. This fear is palpable and it permeates all aspects of a person’s life, such as running errands, driving children to and from school or activities, attending religious services, and going to work. Living in such fear has chilling effects on one’s well-being in terms of stability and ability to contribute positively to their family and community.

The Conference appreciates your consideration and, for these reasons, respectfully requests a favorable report on Senate Bill 901.

Winton_FAV_SB901

Uploaded by: Winton, Greg

Position: FAV

February 26, 2020

Greg Winton
4918 Saint Elmo Ave #904, Bethesda, MD 20814
greg.winton@gmail.com / (410) 790-3848

TESTIMONY IN SUPPORT OF SB901

State and Local Government- Participation in Federal Immigration Enforcement

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Greg Winton

I am testifying in favor of SB901 as a descendant of immigrants. My daughter's mother came to this country as a child, and I remember the stories of my immigrant ancestors, including those whose wrists bore faded tattoos.

In the Torah, there are more than fifty references to the resident stranger, exhorting us to treat them well, for we were strangers in the land of Egypt. Since that time, we Jews have been more often tolerated than accepted, our history full of forced conversions, expulsions and pogroms.

In SB901, we have an opportunity to extend our welcome to those who have come to our country in hope of a better life, whether escaping violence and oppression or simply seeking opportunities. We can debate the rights and wrongs of those who came to this country and how, but they are here now. We should welcome these strangers to our land.

In Genesis 18, God states his intention to destroy Sodom and Gomorrah. Their crime? That they do not welcome the stranger, but rather seek to abuse and exploit them. Abraham's nephew Lot, who not only welcomes the strangers but seeks to protect them at the expense of his own family, is saved from destruction. Sodom and Gomorrah are destroyed for their sins against the strangers. The Trust Act welcomes our strangers.

Many immigrants, documented or otherwise, worry about the consequences of encounters with police. Chief among these fears is that their existence might be reported to ICE, leading to possible deportation. The fear people have of interacting with police has larger implications: crimes are not reported, and also illnesses are not treated, children are not educated because people generalize their fears to all government agencies.

The community suffers when people are afraid of police. Effective policing requires a community engaged with the police, reporting crimes and dangers, acting as witnesses. Functional societies need to provide support to all members: educate the young, heal the sick, protect those at risk. This bill is a good step to begin to rebuild trust between police and the immigrant community.

I strongly urge you to support SB90I.

MFRW - UNFAV_SB 901

Uploaded by: Ennis, Ella

Position: UNF



MARYLAND FEDERATION *of* Republican Women

The Honorable William C. Smith, Jr., Chairman
And Members of the Senate Judicial Proceedings Committee

Re: SB 901 – State & Local Gov't. Participation in Federal Immigration Enforcement – MFRW- OPPOSED

The 1200 members of the Maryland Federation of Republican Women oppose SB-901. This is the most restrictive and punitive anti-immigration enforcement proposal to date. It will prohibit, not just law enforcement, but any unit of state or local government or their agent or employee from inquiring about immigration status or coordinating with federal immigration authorities in any way related to civil immigration enforcement. An individual's immigration status is material when prosecutors, magistrates, or judges are making decisions on whether to release or hold for trial a person charged with a crime, or if they are a flight risk or a danger to the community.

This bill would require state and local law enforcement and corrections personnel to notify an individual that Federal Immigration officials have made an inquiry or requested information on them and to furnish the individual with a copy of any written request within 48 hours. How much jeopardy are Federal Immigration officers likely to be subject to when their names and perhaps telephone numbers are listed on documents distributed to illegal immigrants who have been arrested, charged with a crime, incarcerated or otherwise in contact with state or local government and law enforcement officials?

State and local law enforcement & corrections officers, agents and employees will be Indemnified by state taxpayers for any costs of a judgement against them for refusing to provide information on illegals to Federal Immigration officials or conversely, they will be subject to penalties, fines and firing if they cooperate with or are perceived as cooperating with Federal immigration authorities.

While the bill provides that State and local government officials can provide information on illegal immigrants who have been convicted of a crime of violence, it doesn't allow for sharing of information on persons convicted of serious and harmful crimes including: drug smuggling, drug production or drug selling; embezzlement; theft; firearm smuggling or sales—all of which pose grave danger to citizens and immigrants alike. And member of criminal gangs – do they get a pass too?

Section 2 and 3 of the bill direct the Attorney General to draft guidelines for public schools, hospitals and courthouses to limit to the greatest extent possible immigration enforcement on their premises.

Page 2

Chairman and Members of the Judicial Proceedings Committee
SB 901 - OPPOSED

The bill's total disrespect and disregard for the safety of Federal immigration officers and immigration law is irresponsible. SB901 is very destructive to the future of our nation as a country of laws; and to the safety of our citizens in a national emergency where cooperation and trust between levels of government is vital.

Please do not pass SB 901 or any of the anti-immigration enforcement bills before this Committee. Instead, propose positive solutions for an orderly immigration process to members of Congress and the President. It is time to end the hostile rhetoric and actions on all sides for the benefit of all – citizens and immigrants alike.

Please give SB 901 an Unfavorable Report.

Sincerely,

Ella E. Ennis
Legislative Chairman
Maryland Federation of Republican Women

gahler_SB901_unfav

Uploaded by: Gahler, Jeff

Position: UNF



JEFFREY R. GAHLER
SHERIFF

HARFORD COUNTY

SHERIFF'S OFFICE

Senate Bill 901 - Oppose

45 S Main Street PO Box 150 Bel Air, MD 21014

www.harfordsheriff.org

State and Local Government- Participation in Federal Immigration Enforcement

Letter of Opposition to the Senate Judicial Proceedings

February 26, 2020

I write today in support of public safety through a cooperative relationship with our Federal partners at the Department of Homeland Security (DHS) and in opposition to Senate Bill 901.

On the days that followed September 11, 2001; much discussion was initiated concerning the lack of cooperation and information sharing between Federal, State and Local government agencies. Many blamed this lack of cooperation by Government agencies as the reason why the 9/11 hijackers were able to carry out their planed attacks. Elected leaders on both sides of the aisle worked to breakdown these "Information Siloes" and improve information sharing between government agencies. Legislation removing local and States' ability to cooperate with our federal partners is counterproductive to the hard work put in to our national security efforts.

Since 2016, the Harford County Sheriff's Office (HCSO) has partnered with the DHS to participate in the Immigrations and Customs Enforcement's (ICE) 287(g) Delegation of Authority Program. This participation comes in the form of a Memorandum of Agreement (MOA) signed between ICE and local agencies that permits correctional officers/correctional deputies, once trained by ICE, to perform certain immigration enforcement functions.

The 287(g) Program is not new. In fact, the Program was initiated in 1996 by President Clinton and continued through the administrations of every President since. Our Agency's effort to join this Program was in 2015 and formalized/approved in 2016, during President Obama's Administration. Initiated by a Democrat, continued by a Republican, and then continued again by another Democrat, the 287(g) Program has enjoyed bipartisan support for over 20 years.

Under the 287(g) Program, local detention center officers, working under ICE supervision when performing program related duties, work to identify and process for removal those individuals who are in the Country illegally and booked into our detention center. This is not a program that crosses over to the law enforcement functions of my Office - just one of the many false claims that are used to attack the 287(g) Program.

Once an individual is identified, ICE and federal authorities determine the course of action related to any immigration action, such as deportation, in accordance with the DHS/ICE priorities. Those individuals identified as having the highest priority are those individuals who present a threat to national security and/or public safety.

Over the three-year period that the HCSO has participated in the 287(g) Program, we have successfully identified and turned over more than 130 individuals who were not residents of the United States and had also committed crimes against our citizens. Returning these who committed crimes against our state, back into our community to further victimize our citizens is certainly not an effective strategy to reduce crime and keep law abiding citizens safe.

As Sheriff, an elected representative responsible for keeping our Harford County communities safe, the 287(g) MOA provides me one more tool to accomplish this mission. During my first term as Sheriff, I was

pleased to announce that crime had fallen each year and at the end of last year to another all-time low for our County. I credit crime reduction success to our complete public safety approach to crime fighting and our priorities which are inclusive of the 287(g) Program.

This legislation will make it illegal under Maryland Law for trained and certified correctional officers in Harford, Frederick and Cecil Counties to carry out the Federal 287(g) Program. Passage of this bill in its current form will destroy the hard work we have done to keep our communities safe by removing individuals who are in our Country illegally and are victimizing our citizens.

As Sheriff of Harford County, I join with the Maryland Sheriffs' and the Maryland Chiefs of Police Associations, in respectfully asking the members of the House Judiciary Committee to issue an unfavorable report on SB901.

Sincerely,
Sheriff Jeffrey R. Gahler

Sheriff_Jenkins_UNF_SB901

Uploaded by: Jenkins, Chuck

Position: UNF

FREDERICK COUNTY SHERIFF'S OFFICE

**HEADQUARTERS
FREDERICK COUNTY LAW
ENFORCEMENT CENTER**

110 Airport Drive East
Frederick, Md. 21701
301-600-1046
301-600-1527 (Fax)
301-600-7655 (TTY)

JUDICIAL OPERATIONS

100 W. Patrick Street
Frederick, Md. 21701
301-600-2162
301-600-3690 (Fax)



CHARLES A. JENKINS
SHERIFF

**DETENTION CENTER/
CENTRAL BOOKING**

7300 Marcie's Choice Lane
Frederick, Md. 21704
301-600-2550 (D.C.)
301-600-2566 (D.C. Fax)
301-600-1790 (C.B.)
301-600-1791 (C.B. Fax)

WORK RELEASE CENTER

7281 Marcie's Choice Lane
Frederick, Md. 21704
301-600-1727
301-600-3404 (Fax)

To: The Honorable William C. Smith, Jr. and Members of the Senate
Judicial Proceedings Committee

From: Sheriff Charles A. Jenkins, Frederick County

Date: February 26, 2020

Re: **SB 901 State and Local Government – Participation in Federal
Immigration Enforcement**

Position: **Oppose**

As Sheriff and Chief Law Enforcement Officer for Frederick County, I am offering this written testimony to express my strong opposition to SB 901. I have worked very closely and effectively with the Department of Homeland Security (DHS) / Immigration and Customs Enforcement (ICE) for 12 years in the federally sponsored 287g Delegation of Authority Program. Public safety and national security rely on intergovernmental agency cooperation at every level. This is a crime and public safety issue.

Senate Bill 901 is simply another attempt to make Maryland a "Sanctuary State", a bill that grossly undermines public safety and place the public at great risk. This bill would prohibit any law enforcement or detention facility from providing or sharing information with ICE, honoring an ICE detainer, holding a detainee, or in any cooperating with DHS/ICE to identify criminal illegal aliens that are taken into custody for committing crimes. More importantly it will force the release of all criminal illegal aliens, including violent criminals from jails and prisons.

Notifying DHS to take custody of a known criminal alien before release from a detention facility adds a real measure of protection to the general public. There are absolute benefits and reduced risks by transferring custody of individuals to immigration authorities within a correctional facility. The transfer happens within a secure facility, which is safer for corrections personnel and the detainee with no risk of escape. The offender never has the opportunity to be free on the street to re-offend. Law enforcement does not have to expend the resources to investigate additional crimes that could be committed or the time and manpower to re-apprehend that individual and place him back in custody. This is a problem that occurs every day in cities and counties that declare themselves to be "sanctuaries".

If a criminal illegal alien with a standing immigration detainer is released, ICE will actively look for that person within the community (mostly within the immigrant communities). This creates situations where ICE will have collateral or unintended encounters with illegal immigrants within that community which do result in more arrests and deportations of individuals. This is always an increased risk for the public, law enforcement, and the wanted individual when searching for and making apprehensions on the street.

The Immigration Detainer – Notice of Action is a hold on an individual that DHS has determined that that probable cause does exist that the subject is a removable alien. DHS does not issue Judicial Warrants with the purview of immigration enforcement. DHS does issue a I-200 Warrant of Arrest with each detainer.

DHS simply requests cooperation by asking that a detention facility simply notify them at least 48 hours in advance of release and hold that individual until transfer can be arranged. This is a very seamless, risk-free, hold and safe transfer of a deportable alien.

The ICE Immigration Detainer or request to hold is no different than any other federal, state, or local law enforcement agency asking a detention facility to hold a person for transfer of custody. The only difference is the document used for the hold. Jails hold persons wanted by other agencies for up to 30 days on fugitive warrants, and most are held and detained solely on an NCIC wanted hit and confirmation from another police agency.

No Marylander, or any American in any city, county, or community should ever be the victim of a crime committed by or incident involving a criminal illegal alien. With respect to this legislation, no criminal illegal alien that is taken into custody should ever be released back into our communities to commit more crimes.

Moreover, with the increasingly violent criminal acts committed by transnational criminal gang members such as MS13 this legislation actually encourages the infusion of increased violent crime in our communities. This is evident by what we see every day across

America. The populations that are crossing our borders and entering illegally are from the most violent countries in the world. The fact is they do not leave that violence and brutality behind.

As elected State Senators representing your respective districts, you have an obligation to your constituents to pass and support laws that enhance public safety. This law absolutely jeopardizes and undermines public safety. Conversely, I do not believe it was intended for you as a body to have the authority or right to pass laws that dictate to a local authority, agency, government unit or Sheriff what lawful decisions can be made or agreements entered into that enhance public safety in a jurisdiction.

Protecting all Marylanders and providing for the most effective public safety measures possible is crucial to upholding your oath of office. I can't over emphasize enough what a terrible and tragic mistake it would be to pass this legislation, which will result in horrific unintended consequences. I strongly urge an unfavorable report from this committee on SB 901.

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION DETAINER - NOTICE OF ACTION

Subject ID:
Event #:

File No:
Date:

TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency)

FROM: (Department of Homeland Security Office Address)

Name of Alien: _____

Date of Birth: _____ Citizenship: _____ Sex: _____

1. DHS HAS DETERMINED THAT PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS DETERMINATION IS BASED ON (complete box 1 or 2).

- A final order of removal against the alien;
- The pendency of ongoing removal proceedings against the alien;
- Biometric confirmation of the alien's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- Statements made by the alien to an immigration officer and/or other reliable evidence that affirmatively indicate the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

2. DHS TRANSFERRED THE ALIEN TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION (complete box 1 or 2).

- Upon completion of the proceeding or investigation for which the alien was transferred to your custody, DHS intends to resume custody of the alien to complete processing and/or make an admissibility determination.

IT IS THEREFORE REQUESTED THAT YOU:

- **Notify DHS** as early as practicable (at least 48 hours, if possible) before the alien is released from your custody. Please notify DHS by calling U.S. Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP) at _____. If you cannot reach an official at the number(s) provided, please contact the Law Enforcement Support Center at: (802) 872-6020.
 - **Maintain custody** of the alien for a period **NOT TO EXCEED 48 HOURS** beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody. The alien **must be served with a copy of this form** for the detainer to take effect. This detainer arises from DHS authorities and should not impact decisions about the alien's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters
 - Relay this detainer to any other law enforcement agency to which you transfer custody of the alien.
 - Notify this office in the event of the alien's death, hospitalization or transfer to another institution.
- If checked: please cancel the detainer related to this alien previously submitted to you on _____ (date).

(Name and title of Immigration Officer)

(Signature of Immigration Officer) (Sign in ink)

Notice: If the alien may be the victim of a crime or you want the alien to remain in the United States for a law enforcement purpose, notify the ICE Law Enforcement Support Center at (802) 872-6020. You may also call this number if you have any other questions or concerns about this matter.

TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE ALIEN WHO IS THE SUBJECT OF THIS NOTICE:

Please provide the information below, sign, and return to DHS by mailing, emailing or faxing a copy to _____

Local Booking/Inmate #: _____ Estimated release date/time: _____

Date of latest criminal charge/conviction: _____ Last offense charged/conviction: _____

This form was served upon the alien on _____, in the following manner:

- in person by inmate mail delivery other (please specify): _____

(Name and title of Officer)

(Signature of Officer) (Sign in ink)

Jenkins, Chuck (Sheriff)

From: Green, David
Sent: Friday, February 7, 2020 10:24 AM
To: Jenkins, Chuck (Sheriff); Cronise, Michael
Subject: 287g Weekly Report

Total Detainers: 1726

Total Served: 1563

Total Detainers 2020: 09

Total Gang: 110

Total Special Training: 21

Total Unaccompanied Juvenile (Gang/COV/Felonies): 41

Significant Incidents for the week:

There was one detainer dropped this week, but no significant incidents.

Miscellaneous: There has been one Detainer dropped on individuals that have overstayed their visas for 2020.

The Frederick County Sheriff's Office Corrections Bureau entered into the 287(g) Program in February 2008. The following is just a partial list of the crimes that illegal and removable aliens were charged with when they were encountered through the Program:

18 individuals charged with Murder / Attempted Murder

98 charged with Domestic Violence

133 charged with Assault

16 charged with Armed Robbery / Robbery

37 charged with Sex Offense against a Minor

39 charged with Rape / Sex Offense

22 charged with Possession with intent to distribute CDS

164 charged with Driving While Intoxicated

110 Gang members, in addition to the 110 gang members there has been 21 individuals that had some time of specialized training, i.e. (Commandos, Snipers, MMA & Pit Fighters, Police, Military, Guerrilla Warfare)

Two individuals were suspected cartel members (hitmen)

The Program has encountered 47 "Unaccompanied Juveniles" since 2015, 41 of these "Unaccompanied Juveniles" were gang members, charged with a felony and in some cases both, when they encountered by the 287(g) Program.

A total of 300 individuals have been charged with felonies.

MDJudiciary_UNF_SB901

Uploaded by: Jones, Tyler

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 901
State and Local Government – Participation in Federal
Immigration Enforcement
DATE: February 12, 2020
(2/26)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 901. This bill requires the Attorney General to develop guidelines to assist courthouses in drafting policies that limit civil immigration enforcement activities on courthouse premises. This bill also allows courthouses to establish and publish policies that limit immigration enforcement on the courthouse premises consistent with federal and state law based on the guidelines developed by the Attorney General.

Although it is discretionary for the court to adopt and implement policies based on the guidelines established by the Attorney General, any state guidelines that could serve to impede Federal law enforcement personnel from carrying out activities that are lawful under Federal law may well be unconstitutional under the Supremacy clauses in both the U.S. and Maryland Constitutions. This bill goes beyond and is quite different from policies that prohibit state personnel from actively cooperating with or assisting Federal officials in enforcing federal law. This bill could have the consequence of barring federal officials from public courthouses because an employee believes that the guidelines drafted by the Attorney General permit such a restriction.

In addition, Article IV, §18 of the Maryland Constitution dictates that the “Court of Appeals from time to time shall adopt rules and regulations concerning the practice and procedure in and the administration of the appellate courts and in the other courts of this State.” This bill instructs the legislative and executive branches to develop guidelines for court operations, which is inconsistent with judicial independence.

cc. Hon. William Smith, Jr.
Judicial Council
Legislative Committee
Kelley O’Connor

MCPA-MSA_UNF_SB 901

Uploaded by: Mansfield, Andrea

Position: UNF



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith Jr., Chairman and
Members of the Judicial Proceedings Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 26, 2020

RE: **SB 901-State and Local Government-Participation in Federal Immigration
Enforcement**

POSITION: OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE SB 901. This bill would prohibit a law enforcement agent from inquiring about an individual's immigration status, citizenship status, or place of birth during a stop, a search, or an arrest conducted in the performance of regular police functions. In addition, the bill would prohibit a law enforcement agent from transferring an individual to federal immigration authorities, detaining an individual, notifying federal immigration authorities of individual's release date, location, or address, or use law enforcement resources to further civil immigration enforcement without a federal judicial warrant.

MCPA and MSA's main objection to this bill is the federal judicial warrant requirement. Judicial warrants are only issued for federal prosecution purposes. The majority of matters are handled through a Department of Homeland Security (DHS) Immigration Detainer Form. DHS requests that they be notified of an individual's release date for a number of circumstances including:

- Engaged in suspected terrorism or espionage, or otherwise poses a danger to national security;
- Has been convicted of an offense of which an element was active participation in a criminal street gang;
- Has been convicted of an offense classified as a felony;
- Has been convicted of an aggravated felony;
- Has been convicted of a "significant misdemeanor" as defined under DHS policy;
- Has been convicted of 3 or more misdemeanors, not including minor traffic offenses; and, state or local offenses for which immigration status was an essential element, provided the offenses arise out of 3 separate incidents.

Under this bill, a local correctional facility would be prohibited from providing release dates to DHS although individuals may have committed serious crimes.

Law enforcement does not inquire about immigration status, citizenship status, or place of birth during a stop or search, but they may have reason to do so during an arrest. Under the 1963 Vienna Convention on Consular Relations (VCCR), a multilateral treaty to which the United States and more than 170 other countries are party, law enforcement may be required to notify an embassy or consular official for a foreign country, when involved with a foreign national. This obligation arises when taking official actions relating to a foreign national with regard to (1) the arrest and detention of foreign nationals; (2) the appointment of guardians for foreign nationals who are minors or incompetent adults; (3) deaths of or serious injuries to foreign nationals in the United States; and (4) crashes of foreign aircraft or wrecks of foreign ships in U.S. territory. These *reciprocal* obligations are intended to ensure that foreign governments can extend appropriate consular services to their nationals in the United States and that the United States complies with its legal obligations to such governments. If law enforcement is not able to inquire about citizenship status, they will not be able to extend these services.

For these reasons, MCPA and MSA OPPOSE SB 901 and URGE an UNFAVORABLE committee report.

MDOT MVA_UNF_SB0901

Uploaded by: MVA, MDOT

Position: UNF

February 26, 2020

The Honorable William C. Smith, Jr.
Chairman, Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis MD 21401

Re: Letter of Opposition – Senate Bill 901 – State and Local Government – Participation in Federal Immigration Enforcement

Dear Chairman Smith and Committee Members:

The Maryland Department of Transportation (MDOT) respectfully opposes Senate Bill 901 and offers the following information for the Committee's consideration.

Senate Bill 901 sets out numerous provisions guiding and restricting the actions of state and local law enforcement; corrections agents; and units of state and local governments, or agents of governments relative to immigration and citizenship, and interaction with federal immigration authorities.

In particular, Senate Bill 901 would prohibit a unit of state government from providing information to federal immigration authorities in any matter related to civil immigration enforcement. Currently, law enforcement access to MDOT Motor Vehicle Administration (MDOT MVA) records occurs via the Department of Public Safety and Correctional Services (DPSCS), through either the Local Law Enforcement Dashboard (Dashboard) or the Maryland Electronic Telecommunications Enforcement Dashboard (METERS). Law enforcement access to these databases is certified by the Maryland State Police for state and local agencies, and by the Federal Bureau of Investigations for federal agencies. MDOT MVA does not control or monitor the access of approved end-users in the law enforcement systems.

Notwithstanding any process-oriented considerations to limiting data exchange between the MDOT MVA and U.S. Immigrations and Customs Enforcement (ICE) specifically, recent sanctions handed down by the U.S. Department of Homeland Security (DHS) to the State of New York Department are concerning. On February 5, 2020, two months after New York law took effect prohibiting the disclosure of New York Department of Motor Vehicles (NYDMV) records to federal immigration and customs enforcement agencies (except with a court order or warrant), DHS formally halted enrollments in Trusted Traveler programs (TSA Pre Check, Global Entry, NEXUS, SENTRI, and FAST) for New York residents. Trusted Traveler Programs improve safety and enhance the overall security profile of an airport as those that choose to enroll undergo additional pre-screening requirements. DHS also announced that used vehicle exports from New York will be significantly delayed due to substantial difficulty validating vehicle ownership. Subsequently, Acting DHS Secretary Chad Wolf indicated to Washington State, where a similar law is being considered, that they should expect similar

The Honorable William C. Smith, Jr.
Page Two

sanctions, and had reportedly considered more severe sanctions in both cases. DHS's posture towards states that are implementing laws to limit their access to records is uncertain and this landscape and potential implications should be considered in the deliberation of Senate Bill 901.

Senate Bill 901 further specifies that a unit of state government may not "require an individual to prove the individual's citizenship or immigration status" (page 7, lines 13-15, 27-28), but later (page 9, lines 18-20, 30) provides that a unit of state government is not precluded from complying with a requirement of state or federal law. The federal REAL ID Act requires that applicants for a federally-compliant driver's license or identification card provide proof of lawful status. Under Maryland law, customers who do not qualify for a REAL ID are eligible for a driver's license or identification card marked "not for federal purposes." In 2019, Maryland was the first state to have its Real ID program re-certified by DHS. MDOT MVA's preeminent concern is ensuring the REAL ID status of over 3 million compliant Marylanders is not adversely impacted, and the potentially conflicting provisions in this bill may call into question the Maryland's compliance with Real ID.

The Maryland Department of Transportation respectfully requests the Committee grant Senate Bill 901 and unfavorable report.

Respectfully submitted,

Christine E. Nizer
Administrator
Maryland Motor Vehicle Administration
410-787-7830

Jeff Tosi
Director of Government Affairs
Maryland Department of Transportation
410-841-2850

Payne_UNF_SB901

Uploaded by: Payne, Sue

Position: UNF

I am here today opposed to SB 901 simply because Section 287g of the Immigration and Nationality Act provides ICE officers the authority to arrest aliens without a judicial warrant.

No judge has the authority to issue a warrant for civil immigration violation. Congress, by statute, vested this authorization solely to supervisory immigration officers.

SB 901 has shown up in previous sessions as the Trust Act, then the Safe Act and others; yet all of these iterations are merely an avenue for sanctuary jurisdictions to cover their lack of interest in utilizing the full power of the U.S. government to enforce the law against criminal aliens.

Sanctuary policies, which is essentially what this bill proposes use the theory of requiring judicial warrants as a smoke screen to disguise the assertion that sanctuary jurisdictions might well comply with ICE detainers if they are accompanied by a judicial warrant. Yet, there simply is no form to a file to obtain such a warrant as is requested in this bill. There is no procedure of which I am aware to seek one; and no body of law for judges to rely on in the issuance of said document. Thus, according to Federal Immigration Law, immigration judicial warrants don't actually exist, and I suspect the sponsors of this bill already know this.

I live in Montgomery County, one of the worst sanctuary jurisdictions in the nation. Our County Executive stated the following in his unconstitutional declaration that, "Immigration detainers, not accompanied by judicial warrants, are civil detainers for which the federal government bears sole responsibility."

I have no idea what exactly "sole responsibility" consists of as immigration detainers are civil detainers....because immigration proceedings are civil, as opposed to criminal in nature. Immigration detention is, however, detention, and the authority for such detention has been recognized as valid since the 19th century. (*Wong Wing v. United States*, 163 U.S. 228 (1896))

<https://supreme.justia.com/cases/federal/us/163/228/>

(The United States can forbid aliens from coming within their borders, and expel them from their territory, and can devolve the power and duty of identifying and arresting such persons upon executive or subordinate officials.)

Yet, the MoCo Executive states:

"No agent or department may arrest or detain a person based on an Administrative Warrant, an Immigration Detainer, or any other directive by DHS, on a belief that the person is not present legally in the United States or has committed a civil immigration violation."

As set forth below, detainers are not issued "on a belief that the person is not present legally in the United States or has committed a civil immigration violation", but rather upon probable cause of those facts. And in particular if the alien has been ordered deported or committed a crime.

Detainers are governed by 8 C.F.R. §287.7(a), which states:

Detainers in general. Detainers are issued pursuant to sections 236 and 287 of the [Immigration and Nationality] Act [INA] and this chapter 1. Any authorized immigration officer may at any time issue a Form

*I-247, Immigration Detainer-Notice of Action, to any other Federal, State, or local law enforcement agency. A detainer serves to advise another law enforcement agency that the Department seeks custody of an alien presently in the custody of that agency, for the purpose of arresting and removing the alien. **The detainer is a request that such agency advise the Department, prior to release of the alien, in order for the Department to arrange to assume custody, in situations when gaining immediate physical custody is either impracticable or impossible.***

Also pertinent is 8 C.F.R. §287.7(d):

Temporary detention at Department request. Upon a determination by the Department [of Homeland Security (DHS)] to issue a detainer for an alien not otherwise detained by a criminal justice agency, such agency shall maintain custody of the alien for a period not to exceed 48 hours, excluding Saturdays, Sundays, and holidays in order to permit assumption of custody by the Department.

Warrant, an Immigration Detainer, or any other directive by DHS, on a belief that the person is not present legally in the United States or has committed a civil immigration violation.

As set forth below, detainers are not issued "on a belief that the person is not present legally in the United States or has committed a civil immigration violation", but rather upon probable cause of those facts.

Section 287 of the INA is more circumscribed and intended for the specific benefit of other federal agencies, states, and localities. In fact, section 236 of the INA specifically references a warrant issued by the AG, now the Secretary of Homeland Security. The [regulations](#) specifically stipulate who may issue such a detainer:

(1) Border patrol agents, including aircraft pilots;

(2) Special agents;

(3) Deportation officers;

(4) Immigration inspectors;

(5) Adjudications officers;

(6) Immigration enforcement agents;

(7) Supervisory and managerial personnel who are responsible for supervising the activities of those officers listed in this paragraph; and

(8) Immigration officers who need the authority to issue detainers under section 287(d)(3) of the [INA] in order to effectively accomplish their individual missions and who are designated individually or as a class, by the Commissioner of CBP, the Assistant Secretary for ICE, or the Director of the USCIS.

Detainers are — and have been for generations — a standard protocol for asking cooperation from law enforcement agencies when seeking to take custody of aliens. What's more, the filing of detainers, colloquially known as "holds", is a standard practice throughout U.S. law enforcement at every level.

Virtually all agencies seek such assistance from one another, knowing that if the system of cooperation breaks down, then all public safety is compromised.

Exactly what kind of "court order" are ICE agents to seek when asking authority to detain an alien? There is no provision in the INA — no provision whatsoever — for judicial orders. Nor do they exist in any other federal statute. What the INA does specifically provide for is arrest of aliens, with or without warrant, for violations of the immigration laws — but the warrants authorized by Congress are not judicial warrants, and deliberately so.

Again, there is no regulatory provision for a federal judge to issue a detainer, let alone a warrant.

Neither of those provisions provides for, or more importantly requires, a "judicial warrant".

In reality, reference to "judicial warrants" is simply a fig leaf relied upon by sanctuary jurisdictions to cover their lack of interest in utilizing the full power of the U.S. government against criminal aliens. There is no form to a file to obtain such a warrant; again, no procedure of which I am aware to seek one; and no body of law for judges to rely on in the issuance of said document.

All of that is just a thought. The fact is, though, that judicial warrants for the detention of aliens do not now exist, have never existed in the immigration context, and likely never will.

Thus, it is time to open our eyes and admit that the emperor really doesn't have any clothes. This bill is nothing more than a shtick to assert that sanctuary jurisdictions would comply with detainer requests that are accompanied by "judicial warrants". In essence, lawmakers would like to adhere to federal law, but we just can't. I would advise this committee to pay no attention to the man behind the curtain as we all know, that in the context of immigration, there is no such a thing as "judicial warrants".

FAIR_UNF_SB901

Uploaded by: Rendall, Shari

Position: UNF

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FAIR is a nonprofit public interest organization working to end illegal immigration and to set levels of legal immigration that are consistent with the national interest.



FEDERATION FOR AMERICAN IMMIGRATION REFORM

February 23, 2020

The Honorable William Smith, Jr., Chairman
Judiciary Committee
2 East
Miller Senate Office Building
Annapolis, MD 21401

Dear Chairman Smith and other distinguished members of the Committee,

My name is Shari Rendall and I am the Director of State and Local Engagement at the Federation for American Immigration Reform (FAIR). FAIR is a non-profit, non-partisan organization of concerned individuals who believe that our immigration law must be reformed to serve our nation's interests.

FAIR advocates for immigration policies that reduce the harmful impact of illegal immigration on national security, public safety, the economy, jobs, education, healthcare and the environment.

Founded in 1979, FAIR has two million members and supporters nationwide including approximately 12,300 in Maryland. On behalf of our members and supporters, I am writing to express FAIR's strong opposition to Senate Bills (SB) 649, 901 and 903. FAIR opposes the reckless lawlessness of sanctuary policies like those imposed by these bills.

If enacted, these bills would enact dangerous policies that provide a safe-haven, or "sanctuary," in which illegal aliens can work and live without fear of apprehension by federal immigration authorities. Such policies undoubtedly encourage illegal immigration.

Most everyone is familiar with Kate Steinle's story: The young woman was walking with her father on the San Francisco pier and was gunned down by Juan Francisco Sanchez-Lopez, an illegal alien with seven prior criminal convictions and five previous deportations.



Sanchez-Lopez admitted that he chose to live in San Francisco because he knew he would be protected by its sanctuary policy.¹ His belief couldn't have been truer—as law enforcement in San Francisco had him in custody just months before Kate Steinle's death—but refused to turn him over to federal immigration authorities.

Many expect crimes like this to happen in border states like California. However, most would be shocked to find out these incidents are not relegated to those states alone. Many Maryland jurisdictions that enacted sanctuary policies that shelter criminal aliens by impeding the enforcement of federal immigration laws and blocking or barring free communication between state and local officials and federal immigration officials, did so under former President Obama. They have affirmed these policies in defiance of President Trump.

Despite US Immigration and Customs Enforcement (ICE) detainer requests, sanctuary jurisdictions like Montgomery and Prince George's Counties regularly release criminal aliens that pose a clear public safety threat back into the community. In May 2017, Montgomery County released 19 year-old Salvadoran national, Mario Granado-Alvarado, after he posted bail even though ICE requested he be held. Granado-Alvarado was arrested for vehicular theft and for bringing an assault-style rifle onto his high school parking lot. He had been arrested previously also on auto theft charges.

In Prince Georges County, a 14 year-old may have been alive today if law enforcement had honored an ICE detainer. Two suspected murderers and MS-13 gang members, Josue Rafael Fuentes-Ponce and Joel Ernesto Escobar, had been in police custody the year before a 14 year-old girl was killed on another attempted murder charge. They were released because Prince Georges County banned honoring immigration detainees.

These are clear and unambiguous violations of federal law. State and local officials cooperate with the federal law enforcement in every aspect, such as gun control and drug laws, and immigration should not be an exception.

Sanctuary policies rely on the false premise that individuals in the country unlawfully are "law-abiding," but simply lack "papers" or "documentation." However, the average adult illegal alien routinely commits multiple crimes just to conceal their presence in the United States and work without authorization. In 2013, the Social Security Administration's Office of the Chief Actuary estimated that more than 40 percent of all illegal aliens working in the United States were using fake or stolen Social Security Numbers. Elsewhere, the office has put the figure as high as 75 percent.² Furthermore,

¹ Breitbart, "Murderer: I chose SF Because it is a 'Sanctuary City,'" July 6, 2015.

² The Washington Times, "When Illegals Use Piflered Social Security Numbers, May 23, 2018; See also, The New York Times, Illegal Alies Are Bolstering Social Security with Billions, April 5, 2005

many falsify I-9 forms under penalty of perjury. It is improper for a state legislature to tolerate sanctuary jurisdictions that enable these federal crimes.

Moreover, the assumption that illegal aliens commit crimes at a lower rate than American citizens is simply not true. FAIR's recent study of data from the federal government's State Criminal Alien Assistance Program (SCAAP) found that illegal aliens are more likely to be incarcerated in state prisons and county jails than U.S. citizens and legal immigrants.³ In fact, this report finds that in the states examined, illegal aliens are incarcerated up to five and a half times as frequently as citizens and legal immigrants.⁴ Additionally, the report found that states with the highest incarceration rates are also the states that boast numerous sanctuary jurisdictions.⁵

According to U.S. Sentencing Commission data provided at a recent U.S. House of Representatives hearing on immigration enforcement, over 35 percent of the individuals who are sentenced for federal crimes are illegal aliens.⁶ Given that illegal aliens are an estimated 3.5 percent of the population⁷ that means that illegal aliens are ten times more likely to be sentenced for a federal crime than legal residents.

Furthermore, shielding criminal aliens needlessly endangers innocent lives. There are roughly 3 million criminal aliens living in the United States, and nearly one million of these aliens have final orders of removal.⁸ These criminals should not be able to continue to live in communities and engage in further criminal activity.

Many jurisdictions are bullied into adopting sanctuary policies by open-borders advocates claiming that honoring or complying with immigration detainers would be unconstitutional, primarily as a violation of the Fourth Amendment. Detainers are written requests issued on behalf of the U.S. Department of Homeland Security to another law enforcement agency to hold an individual based on an inquiry into immigration status or an alleged violation of civil immigration law for up to 48 hours. Simply put, detainers constitute a reasonable request for state/local assistance in effectuating a civil arrest based on an administrative warrant, which ICE may issue, pursuant to explicit statutory authority.

Neither the U.S. Supreme Court nor the U.S. Court of Appeals for the 4th Circuit, which governs Maryland, has ever determined that honoring or complying with detainers is unconstitutional. The only federal appellate court that has ever directly ruled on the

³ Federation for American Immigration Reform, "SCAAP Data Suggest Illegal Aliens Commit Crime at a Much Higher Rate Than Citizens & Lawful Immigrants," February 3, 2019.

⁴ *Id.*

⁵ *Id.*

⁶ United States Sentencing Commission Interactive Sourcebook.

⁷ Pew Research Center, "5 facts about illegal immigration in the U.S.," Nov. 3, 2016.

⁸ The Washington Examiner, "ICE: 950,000 Illegals With 'Removal Orders', Raids Get Just A Sliver," Feb 20, 2017

constitutionality of detainers, the Fifth Circuit in *El Cenizo v. Texas*⁹ last year, held not only that detainers are constitutional, but that Texas in its 2017 anti-sanctuary law, SB 4, could constitutionally require its cities and counties to honor them.

It is no secret that Americans face serious threats from terrorist organizations. With the FBI pursuing hundreds of active extremist investigations, federal agents are stretched thin and depend heavily on intelligence provided by state and local law enforcement. By impeding cooperation with federal immigration officials, sanctuary policies create an environment where terrorists and other criminal aliens can go undetected and uninterrupted.

A recent report issued by the Departments of Justice and Homeland Security showed three out of every four individuals convicted of international terrorism-related charges in U.S. federal courts between September 11, 2001 and December 31, 2016 were foreign born.¹⁰

ICE has just 20,000 employees, only half of whom are dedicated to the apprehension and removal of illegal aliens. The cooperation of state and local law enforcement, which number about 900,000 strong, is vital to ferreting out those among us who wish to cause us harm. At least five of the 9/11 hijackers were illegal aliens, four of whom came into contact with state and local law enforcement several times before the attacks, in some cases just days prior to the attack.¹¹ If those state and local law enforcement officers had worked with federal immigration officials, the 9/11 terrorist plot might have been thwarted.

While the cost of illegal immigration to public safety is incalculable, the fiscal cost of illegal immigration also bears a heavy price tag. Annually, U.S. taxpayers pay roughly \$116 billion in costs associated with illegal immigration. A significant majority of this price tag, \$88.9 billion, is absorbed by state and local governments.¹²

In Maryland, taxpayers spend an estimated \$2.4 billion each year for illegal aliens and their U.S.-born children.¹³ One hundred thirty-seven million of those expenditures are for Criminal Justice alone. These costs come in the form of educational, healthcare, welfare and law enforcement expenditures to illegal aliens and their families.

⁹ No. 17-50762 (5th Cir. May 8, 2018).

¹⁰ Department of Justice Press Release, DOJ/DHS Report: Three Out of Four Individuals Convicted of International Terrorism and Terrorism-Related Offenses Were Foreign Born, January 16, 2018

¹¹ CNN, "Another Hijacker Was Stopped for Traffic Violation, January 9, 2002

¹² Federation for American Immigration Reform, "The Fiscal Burden of Illegal Immigration," 2017.

¹³ *Ibid.*

Sanctuary policies contribute significantly to these costs by telling individuals that despite violating federal laws, law enforcement and other government officials will ignore them. Just because the regulation of immigration is a federal issue, does not mean that state and local law enforcement agencies must overlook immigration violations that harm their communities.

To the contrary, the cost of illegal immigration disproportionately affects state and local governments, giving them even more incentive to cooperate with federal officials. To ensure the safety of our communities, state and local law enforcement and governments should be encouraged—not discouraged—from cooperating with federal immigration authorities. For these reasons, FAIR opposes SB 649, 901 and 903.

I thank you for the opportunity to provide my input. Please do not hesitate to reach out to me, if I may be of assistance. I may be reached by email at srendall@fairus.org or by phone at 202-328-7004.

Sincerely,

A handwritten signature in black ink that reads "Shari Rendall". The signature is written in a cursive, flowing style.

Shari Rendall

MSP_OW_SB_901

Uploaded by: State Police, Maryland

Position: UNF



State of Maryland
Department of State Police
Government Affairs Section
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

DATE: February 26, 2020

BILL NUMBER: Senate Bill 901 **POSITION:** Oppose

BILL TITLE: State and Local Government – Participation in Federal Immigration Enforcement

REVIEW AND ANALYSIS:

This legislation seeks to prohibit a police officer from inquiring about the immigration status, citizenship status, or place of birth during a stop, search or arrest conducted in the normal performance of regular police functions. The legislation also limits a law enforcement agency from contacting federal immigration authorities except in certain circumstances and prohibits the use of law enforcement facilities by federal immigration authorities except under a certain circumstance.

The Immigration and Customs Enforcement (ICE) conducts a number of criminal investigations including gangs, identity theft, human trafficking and drugs, just to name a few. As part of these investigations local and state law enforcement may allow the use of resources for these criminal investigation purposes. Senate Bill 901 prohibits the use of the secure side of the law enforcement agency building, except to pick up a person convicted of a crime of violence who is or may be subject to civil immigration enforcement, and prohibits access to or use of any facility, information, or equipment owned or controlled by law enforcement for a purpose related to civil immigration enforcement. If local and state law enforcement is investigating another MS-13 related crime, the investigation may end up with a civil immigration issue in addition to other serious crimes.

Upon a criminal arrest, a law enforcement officer is required to ask for identifying information including place of birth and country of citizenship. For example, the F.B.I. requires place of birth and country of citizenship to be identified when fingerprint cards are submitted. This is important for determining the true identity of the individual being processed. Citizenship or immigration status is never a concern for a law enforcement officer during a criminal arrest or routine traffic stop. But if the person is arrested other rights are to be available to the arrestee.

More importantly, every citizen of a foreign country has the right for the consulate of his natural citizenship to be notified if they are detained by law enforcement. However, if law enforcement is not permitted to ask questions regarding the individual's country of citizenship and the person does not know they have legal backing from their home country, the consul cannot provide the person with the assistance they may be afforded.

The Maryland Department of State Police does not enforce immigration laws. However, there are any number of reasons why a police officer may ask for information about a person such as their name and date of birth. To further assist in identifying a person an officer may ask about a place of birth. This is all designed to help further identify the correct person for a license or other valid public safety reason.

For these reasons, the Maryland Department of State Police urges the Committee to give Senate Bill 901 an unfavorable report.

Lucy Zhang_UNF_SB901

Uploaded by: Zhang, Lucy

Position: UNF

Dear Chair and Committee members

My Name is Lucy Zhang and I live in Montgomery County. I'm here to oppose HB0388

SB0903/HB0403, SB0850/HB0677, SB0649/HB0892, SB0901/HB1612:

1. These bills are against the public safety and needlessly endanger innocent citizens. I don't feel safe if the police and law-enforcement officials are not allowed to perform their duties to protect the general welfare and safety of law-abiding citizens. In New York City 92 year old law abiding citizen was raped and killed by an illegal alien who had multiple arrests in the past and was released. In Montgomery County, the average rap cases are around 100s from 2009-2014, since Montgomery County became sanctuary county, the rape case was 286 in 2015, 309 in 2016, 398 in 2017 and 509 in 2018. There are just happened couple days ago two high schooler s one 20 years old and another is 19 years old raped a 11 year-old girl. And one of the rapist is on ICE list. This bill will be a big disaster for our state.
2. In fact, criminal aliens released on the street , they are much more likely to be thrown in jail again. That causes a big burden for the taxpayers. Montgomery county legal residents also pay the highest taxes. The property tax rate are most likely increase again.
3. Immigrations and Customs Enforcement (ICE) should do its main duty and enforce the immigration laws of our country. If sanctuary legislation (disallow ICE to go to court or a detention center), they won't be able to perform their main duty of making the state and country safe and make sure we don't have dangerous people on the street.
4. Sanctuary policies violate federal law and are a magnet for more illegal immigration. The undocumented immigration population will increase tremendously and cost the taxpayers even more money.

Thank you.

Lucy_Zhang_UNF_SB901

Uploaded by: Zhang, Lucy

Position: UNF

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Thank you.

Yin_Zheng_UNF_SB901

Uploaded by: Zheng, Yin

Position: UNF

Please oppose SB850, SB901 and SB903

Dear committee members,

My name is Yin Zheng. This is the fourth time I have come here to testify against sanctuary bills. I oppose SB850, SB901 and SB903, which will convert Maryland into a sanctuary state.

America, to me, is a place where justice is served fairly and appropriately; however, I have noticed that certain people always seem to be exempt from the law. If that is to be allowed, then can one truly consider immigration law a bona fide law at all? If immigration law is selective in whom it applies to and optional for some, why should we have these laws in place at all?

Fourteen years ago, I applied for my sister to immigrate here. At the time of the application, her son was a young child, and after 14 years long & tedious years, he became an adult and was no longer eligible to accompany his parents. During the application process, she had to undergo background checks to prove that she didn't have any criminal record, and she had to provide a birth certificate, immunization record up to date, a list of places she had lived, and her education & working history. As a legal immigrant applicant, you are required to yield everything that ICE requests of you. Your visa will not be granted until you provide everything to immigration offices; nevertheless, if you somehow break the law to enter this country, you will be offered special protection, and nobody can inquire about your immigration status and anything about you. This is penalizing law-abiding people and unfairly rewarding those who willingly disobey this nation's laws.

No wonder there are always people who seek to break the law: mainly because our legislators are the ones who *enable* them.

I feel deep sorrow for the Angel wife and Angel moms who testified several times at the hearings in Annapolis. What is wrong with our legislation here? Why we are so lenient to criminals but risking those who are here to protect us (FBI agents/police officers) This is immoral!

Immigrants don't come here solely because they want a better life; they arrive here because they love America and its values, and they honor qualities of law and order that makes this country so great. They don't come here to despise America and express their animosity.

Immigrants are frequently misunderstood by lawmakers and are often weaponized to push political agendas and are also used to sow division within the immigrant community. Please end this madness. Get to know the average legal immigrant, their tribulations, their struggles, and their views; by doing so, you will finally comprehend *why* they oppose sanctuary laws. **SB850, SB901 and SB903 are pursuing prohibiting any cooperation or exchange of information with Federal Immigration officials.**

These bills would handcuff our public entities in their effort to keep our community safe, and it would risk the safety of the public as a whole. What is the true purpose of this bill? Our legislators are busy creating safe havens for some while completely ignoring the fact that our police officers and law enforcement agents are being killed by illegal aliens.

Please oppose SB850, SB901 and SB903. Thank you for your time.

Yin Zheng
11216 Green Watch Way, North Potomac, MD 20878